IN THE UNITED STATES SUPREME COURT

WASHINGTON, D.C.

80-6657

RECEIVED
APR 14 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JAMES E. PATTERSON,
PETITIONER

V.

RE: C.A.NO.80-8289

HANS J.SCHACHT, OTIS J.
ABERNATHY, ET AL,
RESPONDENTS

JAMES E. PATTERSON,
PETITIONER

V.

RE: C.A.NO.80-8290

OTIS J.ABERNATHY, UNITED STATES
DISTRICT COURT, NORTHERN DISTRICT
OF GEORGIA, ET AL. ,
RESPONDENTS

PETITIONER AMENDS HIS PENDING PETITION FOR COURT APPOINTED COUNSEL AND A SHOW CAUSE TRIAL TO SHOW NEGLIGENCE OF THE FIFTH CIRCUIT COURT OF APPEALS

THE FIFTH CIRCUIT COURT OF APPEALS IS DIRECTLY RESPONSIBLE FOR THE MALFEASANCE IN OFFICE CONDUCT OF CERTAIN DISTRICT COURT JUDGES DIRECTED AGAINST THIS PRO SE SINCE 1977 TO DENY HIM THE DUE ADMINISTRATION OF JUSTICE BECAUSE THE FIFTH CIRCUIT HAS STATED THAT IT WOULD NOT RULE UPON SUCH DOCUMENTED EVIDENCE.

2.

THE FIFTH CIRCUIT COURT OF APPEALS REFUSED TO ENTER A RULING UPON OUR EVIDENCE SHOWING THAT FORMER DISTRICT COURT JUDGE, ALBERT J. HENDERSON, JR. CONSPIRED WITH THE DEFENDANTS TO CONTROL THE JUDGMENTS FOR C.A.NO.78-31-N & C.A.NO.78-47-N VIA MEANS OF A FRAUDULENT PRE-TRIAL ORDER DESIGNED TO DENY OUR ACCESS TO 127 EXHIBITS WHICH HAD PREVIOUSLY BEEN UTILIZED AGAINST US BY THE DEFENDANTS IN OUR ABSENCE AND WHICH THEY CLAIM BEARS OUR SIGNATURES.

3.

JUDGE HENDERSON ENTERED A PRE-TRIAL ORDER REVELANT TO CASES NOS. C78-31-N AND C78-47-N IN WHICH HE FALSELY STATED THAT HE HELD A - PRE-TRIAL CONFERENCE TO HEAR "MY ATTORNEY'S" ARGUMENT FOR OUR RIGHT

TO ACCESS TO THOSE 127 EXHIBITS PREVIOUSLY UTILIZED AGAINST US. JUDGE HENDERSON SIMPLY LIED TO STATE THAT AN ATTORNEY REPRESENTED US WHILE CASES NOS.C78-31-N & C78-47-N WERE IN HIS COURT.

4.

JUDGE HENDERSON'S FRAUDULENT PRE-TRIAL ORDER STATED THAT "MY ATTORNEY" DID NOT PREVAIL WITH HIS ARGUMENT FOR MY PRETRIAL DIS--- COVERY RIGHTS.

5.

NOW, IF THE FIFTH CIRCUIT APPEALS COURT HAD RULED UPON MY EVIDENCE SHOWING THAT JUDGE HENDERSON AND THE DEFENDANTS DEFRAUDED US OF OUR RIGHT TO THE DUE ADMINISTRATION OF JUSTICE WITH THAT FRAUDULENT PRE-TRIAL ORDER INSTEAD OF RULING THAT SAID EVIDENCE OF FRAUD WAS NOT TIMELY SUCH A RULING WOULD HAVE CONCLUDED THIS MATTER IN 19 78 IF THE COURT HAD ENTERED A RULING UPON SUCH MISCONDUCT EVIDENCE.

6.

THE SHOWING OF FRAUDULENT EVIDENCE OR OF FRAUDULENT CONDUCT IS ALWAYS "TIMELY" ACCORDING TO PROVISIONS OF FED R C P RULE 60(b)(3).

7.

SINCE THE APPELLATE COURT REFUSED TO ENTER A RULING UPON THE -- MISCONDUCT OF JUDGE HENDERSON AND THE DEFENDANTS WE SET THAT EVIDENCE FORTH IN C.A.NO.79-106-N AS A CLAIM UPON WHICH RELIEF COULD BE BASED/GROUNDED. JUDGE TIDWELL'S COURT.

8.

WE FILED A MOTION FOR SUMMARY JUDGMENT FOR C.A.NO.79-106-N AFTER THAT CASE HAD BEEN BEFORE THE COURT FOR THREE (3) MONTHS, BUT NO DEFENDANT ATTEMPTED TO CONTROVERT THAT MOTION AND SUPPORTING AFFIDAVIT.

9.

SIXTEEN (16) DAYS AFTER WE FILED FOR SUMMARY JUDGMENT JUDGE TIDWELL DISMISSED C.A.NO.79-106-N AND ORDER SUPPRESSION OF ALL OF OUR EVIDENCE AGAINST JUDGE HENDERSON AND THE DEFENDANTS.JUDGE TIDWELL NOW REFERS TO HIS "SUPPRESSION ORDER"AS AN INJUNCTION.

10.

JUDGE TIDWELL DID NOT ENTER A RULING UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION EITHER BEFORE OR WITH HIS DISMISSAL ORDER FOR C.A.NO.79-106-N.

SO,WE GO BACK TO THE FIFTH CIRCUIT ASKING THAT APPEALS COURT TO ENTER AN ORDER REQUIRING JUDGE TIDWELL TO ENTER A RULING UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION AND SUPPORTING AFFIDAVIT.

12.

THAT APPEAL TO THE FIFTH CIRCUIT COURT OF APPEALS WAS DENIED WITH NO REASON STATED FOR DENIAL.

13.

SO,SINCE THE APPELLATE COURT WAS CLEARLY INVOLVED IN THE COVER UP OF A FEDERAL CONSPIRACY DIRECTED TOWARD THIS PRO SE,WE FILED,OR TRIED TO FILE,C.A.NO.80-1236-A IN JUDGE SHOOB'S COURT TO AGAIN SEEK A RULING UPON HENDERSON'S FRAUDULENT CONDUCT WITH THE DEFENDANTS.

14.

HOWEVER,JUDGE SHOOB WAS IN NO MOOD TO AFFORD US DUE PROCESS SO HE ENTERED AN ORDER FALSELY STATING THAT THE FILING FEE CHECK FOR C.A.NO.80-1236-A HAD NOT BEEN PAID BY THE COURT SO THAT ACTION --- COULD NOT BE FILED AND SERVED ON DEFENDANTS.

15.

THIS COURT HAS BEEN FURNISHED COPIES OF THAT CHECK AND THEREFORE KNOWS THAT JUDGE SHOOB LIED WHEN HE RULED THAT THE BANK DID NOT PAY THE FACE VALUE OF THE CHECK WHEN FIRST PRESENTED.

16.

JUDGE SHOOB ALSO RESORTED TO MORE PERJURY TO PREVENT C.A.NO.80-1236-A FROM BEING FILED WHEN HE RULED THAT THAT COMPLAINT CONTAINED 160 PAGES AND FOR THAT REASON DID NOT COMPLY WITH REQUIREMENTS OF FED R CIV P RULE 8.

17.

A COMPLAINT DISMISSED OR PREVENTED FROM BEING FILED ON THE --- BASIS OF PERJURED FINDINGS BY THE COURT DENIES DUE PROCESS AND SHOWS CONSPIRACY.

18.

JUDGE SHOOB FURTHER RULED THAT C.A.NO.80-1236-A COULD NOT BE - FILED BECAUSE THE "ACT" OF OUR TRYING TO FILE THAT ACTION"APPARENTLY VIOLATES JUDGE TIDWELL'S INJUNCTION" TACKED ON TO TIDWELL'S DIS----- MISSAL ORDER FOR C.A.NO.79-106-N

19.

SO,THEREAFTER,JUDGE SHOOB'S FRAUDULENT CONDUCT,JUDGE TIDWELL-HELD THAT THE "ACT"OF TRYING TO FILE C.A.NO.80-1236-A CONSTITUTED CIVIL CONTEMPT.

JUDGE TIDWELL ENTERED AN ORDER ON AUGUST 7,1980 ORDERING US TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CONTEMPT OF COURT.

21.

WE FILED FOUR MOTIONS BETWEEN AUGUST 9,1980 AND SEPTEMBER 15,1980 ASKING FOR COURT APPOINTED COUNSEL AND A SHOW CAUSE TRIAL,BUT THE DISTRICT COURT IGNORED ALL FOUR MOTIONS.

22.

SO,WE GO BACK TO THE FIFTH CIRCUIT APPEALS COURT IN SEPTEMBER 1980 ASKING FOR COURT APPOINTED COUNSEL AND A SHOW CAUSE TRIAL --- POINTING OUT IN THAT APPEAL THAT JUDGE SHOOB HAD RESORTED TO MORE PERJURY AND FRAUDULENT CONDUCT TO BLOCK C.A.NO.80-1236-A FROM BEING FILED AND SERVED ON THE DEFENDANTS.

23.

AFTER WE HAD FILED OUR APPEAL ON SEPTEMBER 15,1980,THE DISTRICT COURT ENTERED AN ORDER ON OCTOBER 2,1980 STATING THAT IT WAS PROTECTING THE DEFENDANTS FROM ANY ACTION BY US AGAINST THEM FOR THEIR HAVING FILED CONTEMPT CHARGES AGAINST US.

24.

THE DISTRICT COURT ALLEGED THAT ITS ORDER CITED IN PARAGRAPH NO. 24 WAS BASED UPON ITS POWER BY PROVISIONS OF THE ALL WRITS ACT,28 U.S.C. #1651.

25.

HOWEVER,THE APPEALS COURT ORDERED THE DISTRICT COURT TO SHOW ON ITS RECORD THAT OUR APPEAL WAS DOCKETED IN THE APPEALS COURT ON SEPTEMBER 4,1980.THAT RULING VOIDED THE DISTRICT COURT ORDER ENTERED ON OCTOBER 2,1980.

26.

SO,WE AMENDED OUR PENDING APPEAL TO MOVE THE APPELLATE COURT TO ORDER THE DISTRICT COURT TO VACATE ITS ORDER ENTERED AFTER WE HAD APPEALED.

27.

THE APPELLATE COURT ENTERED AN ORDER VACATING ITS ORDER TO THE DISTRICT COURT REQUIRING THE RECORD TO SHOW OUR APPEAL WAS FILED ON SEPTEMBER 4,1980. THE APPELLATE COURT SIMPLY DISMISSED ITS ORDER SO THAT THE PROTECTION FROM PROSECUTION AFFORDED THE DEFENDANTS WOULD REMAIN VALID.

28.

THE FIFTH CIRCUIT APPEALS COURT REFUSED TO ENTER AN ORDER AFFORDING US A "SPEEDY PUBLIC TRIAL" ON THE SHOW CAUSE ORDER ENTERED ON AUGUST 7,1980.

THE FIFTH CIRCUIT IGNORED OUR APPEAL ,OR AN ISSUE IN OUR SEPTEMBER 1980 APPEAL,FOR COURT APPOINTED COUNSEL."CONSTITUTION REQUIRES THAT COUNSEL BE APPOINTED FOR INDIGENT PERSONS WHO MAY BE FINED OR FINED PURSUANT TO A FINDING OF CIVIL CONTEMPT" U.S.V.ANDERSON(C.A.S. D.1977) 553 F.2D 1154.

30.

SO,THE FIFTH CIRCUIT REFUSED TO ORDER JUDGE SHOOB TO AFFORD US A HEARING AS TO WHETHER OR NOT THE "ACT"OF OUR TRYING TO FILE C.A.NO. 80-1236-A DID OR DID NOT VIOLATE "JUDGE TIDWELL'S"SUPPRESSION ORDER REFERRED TO AS AN "INJUNCTION"

31.

STILL LATER,THE FIFTH CIRCUIT ENTERED A THIRD ORDER IN WHICH IT STATED OUR EFFORTS TO APPEAL FOR A SHOW CAUSE TRIAL AND FOR A HEARING REVELANT TO DISMISSAL OF C.A.NO.80-1236-A WAS DISMISSED FOR NOT BEING "TIMELY" WITH SO MANY UNSOLICITED APPEALS COURT RULINGS NO ONE BUT THAT COURT KNOWS WHY SO MANY DIFFERENT RULINGS UPON THE SAME ISSUES WERE NEEDED.

32.

THE FIFTH CIRCUIT HAS NEVER CONSIDERED THE SECOND ISSUE CONTAINED IN OUR SEPTEMBER 1980 APPEAL FOR COURT APPOINTED COUNSEL AND SINCE THE DISTRICT COURT ALSO REFUSED TO ENTER A RULING UPON OUR FOUR MOTIONS FOR COURT APPOINTED COUNSEL THERE WAS NO DATE BY WHICH TIME AN APPEALED HAD TO BE FILED TO BE "TIMELY"

33.

THEREFORE,IF THE FIFTH CIRCUIT COURT OF APPEALS HAD RULED UPON JUDGE HENDERSON'S FRAUDULENT CONDUCT, OR IF IT HAD FORCED THE DISTRICT COURT TO ENTER A RULING UPON THAT EVIDENCE WHEN SET FORTH IN C.A.NO.79-106-N,AND IF THAT COURT HAD RULED THAT JUDGE SHOOB DENIED US DUE PROCESS BY RESORTING TO PERJURED FINDINGS IN ORDER TO PREVENT C.A.NO.80-12360A FROM BEING FILED,AND IF THAT COURT HAD RULED THAT WE WERE ENTITLED TO COURT APPOINTED COUNSEL WHEN WE WERE ORDERED TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CONTEMPT,THIS MATTER WOULD HAVE LONG AGO BEEN CONCLUDED IN A MANNER THAT AFFORDED US THE DUE ADMINISTRATION OF JUSTICE.

34.

WHEREFORE,HOW MUCH MORE DISHONEST CAN A FEDERAL COURT JUDGE BE THAN TO ENTER AN ORDER WHICH FALSELY STATES THAT "PLAINTIFF PRO SE'S DUE PROCESS RIGHTS WERE AFFORDED/PROTECTED BY LEGAL COUNSEL" WHEN A "PLAINTIFF,PRO SE" CANNOT BE BECAUSE HE IS NO LONGER A "PRO SE" IF REPRESENTED BY LEGAL COUNSEL? JUDGE HENDERSON SIMPLY PROVED THAT LYING FOR THE DEFENDANTS WAS NO PROBLEM FOR HIM AND LYING HE DID WHEN HIS ORDER FALSELY STATED THAT WE WERE REPRESENTED BY LEGAL COUNSEL IN HIS COURT.

WHEREFORE,WHEN A DISTRICT FEDERAL COURT JUDGE FINDS IT NECESSARY TO RESORT TO SUCH A FRAUDULENT PRE-TRIAL ORDER IN A CASE IN WHICH THE PLAINTIFF IS PROCEEDING PRO SE SUCH FRAUDULENT MISCONDUCT CLEARLY SHOWS THAT THE PRO SE HAS ALREADY SET FORTH IN HIS ORIGINAL COMPLAINT THE EVIDENCE TO CONVINCE THE JUDGE THAT THE PRO SE WAS "TELLING LIKE IT WAS" WHEN HE ARGUED IN HIS ORIGINAL COMPLAINT THAT THE DEFENDANTS CONSPIRED TO COMPILE A HEARING RECORD IN PRO SE'S ABSENCE TO TERMINATE PRO SE'S EMPLOYMENT,EXCUSE ME,JUDGE HENDERSON REFERRED TO ME IN HIS FRAUDULENT PRE-TRIAL ORDER AS "THE PLAINTIFF,PRO SE", OR ELSE THERE WOULD NOT HAVE BEEN ANY NEED FOR AN ORDER DESIGNED TO DENY "PLAINTIFF,PRO SE'S"ACCESS TO THE EVIDENCE PREVIOUSLY UTILIZED AGAINST HIM IN "PLAINTIFF,PRO SE'S"ABSENCE.

36.

WHEREFORE,THE FIFTH CIRCUIT COURT OF APPEALS DENIED US DUE PROCESS WHEN IT DISMISSED OUR EFFORTS TO APPEAL THE FRAUDULENT EVIDENCE CITED IN THE FOREGOING PLEADING AGAINST JUDGES HENDERSON ,TIDWELL, AND SHOOB ON THE GROUND THAT SAID FRAUDULENT EVIDENCE WAS NOT"TIMELY"

37.

WHEREFORE,THE COURT HELD IN LOCKWOOD V.BOWLES (D.C.D.C.1946) 46 F.R.D. 625 THAT: "THERE IS NO TIME LIMITATION WHICH WOULD BAR A FEDERAL COURT FROM GRANTING RELIEF FROM A FINAL JUDGMENT UPON GROUND OF "FRAUD UPON THE COURT" A FRAUDULENT PRE-TRIAL ORDER DESIGNED BY JUDGE HENDERSON AND THE DEFENDANTS TO CONTROL TWO FEDERAL COURT JUDGMENTS CONSTITUTES EVIDENCE OF "FRAUD UPON THE COURT"

38.

WHEREFORE,WE HAVE MADE JUDGE HENDERSON'S CONSPIRACY WITH THE DEFENDANTS AGAINST US THE CLAIM ON WHICH RELIEF WAS BASED IN PLEADINGS FILED IN BOTH THE DISTRICT AND APPELLATE COURTS SINCE 1978,BUT NEITHER COURT HAS YET ENTERED A RULING UPON THAT CONSPIRACY EVIDENCE. THE ONLY RESPONSE FROM THE DISTRICT COURT REVELANT TO THAT EVIDENCE OF MALFEASANCE IN OFFICE CONDUCT HAS BEEN THE SAME IN 1978,1979 AND 1980.THOSE DISTRICT COURT RESPONSES ORDERED THE SUPPRESSION OF THE CONSPIRACY OF HENDERSON WITH THE DEFENDANTS AND THAT SAID EVIDENCE NOT BE UTILIZED AGAINST THEM IN ANOTHER LAWSUIT.FED R CIV P RULE 54 (b) REQUIRES THE DISTRICT COURT TO ADJUDICATE ALL MATERIAL CLAIMS AND COUNTER CLAIMS SET FORTH IN A COMPLAINT AND RESPONSE TO THAT - COMPLAINT.

39.

THE FIFTH CIRCUIT APPELLATE COURT HAS STEADFASTLY RULED THAT EVIDENCE NOT RULED UPON BY THE DISTRICT COURT AS REQUIRED BY RULE 54(b) IS NOT "TIMELY"FOR PURPOSES OF AN APPEAL.

40.

SO,THE LONG AND SHORT OF THIS FRUSTRATING EXPERIENCE HAD BEEN THAT NO COURT HAS AFFORDED US A RULING ON JUDGE HENDERSON'S FRAUDULENT MISCONDUCT WITH THE DEFENDANTS DURING 1978,1979,OR 1980.

HOPEFULLY, THE UNITED STATES SUPREME COURT WILL NOT ORDER EVIDENCE OF A CONSPIRACY SUPPRESSED, BUT WILL IN 1981 ENTER THE FIRST FEDERAL COURT RULING UPON JUDGE HENDERSON'S FRAUDULENT MISCONDUCT WITH THE DEFENDANTS AGAINST US.

41.

WHEREFORE, THE DISTRICT AND APPELLATE COURTS NOW REFUSE TO AFFORD US A SHOW CAUSE TRIAL WHY WE SHOULD NOT BE HELD IN CONTEMPT ON AN -ORDER TO DO SO ENTERED AGAINST US ON AUGUST 7, 1980 BECAUSE THOSE COURTS HAVE NO INTENTIONS OF MAKING IT POSSIBLE FOR US TO PUBLICLY EXPOSE THE FRAUDULENT MISCONDUCT OF JUDGE ALBERT J. HENDERSON, JR.

RESPECTFULLY SUBMITTED,

James E. Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
404/882-8533

DATED: 4-10-81.

JUDGE ALBERT J.HENDERSON,JR.
UNITED STATES DISTRICT COURT
56 FORSYTH STREET,N.W.
ATLANTA,GEORGIA 30303

RE:C.A.NO.78-31-N
C.A.NO.78-47-N

Dear Judge Henderson:

While this Pro Se realizes that anything that he might have to say in protest of the court's abuse of him in chambers on July 26, 1978 will have no influence on the thinking of your court,I still want you to know that you were a disgusting representative of my government to me as you shielded your mouth from my view while you whispered to counsel for the defendants.

You invited me to your chambers on July 26,1978 for a discovery conference.Then you proceeded to shield you mouth from my view as you conducted the conference with only counsel for the defendants permitted by you to participate in that conference.

You repeatedly ordered me to "remain silent" every time I made an effort to argued against your whispered directives to counsel for the defendants. Why invite me to a "conference"if you never intended to let me participate in said "conference?"

How insulting for you to order me to"remain silent" when you -- whispered to counsel for the defendants with your mouth shielded from my view-"draft your own Protective Order and submit it to the court for signature" If I had been represented by counsel you would not have abused him as you did this Pro Se.

Your corrupt conduct made it obvious to me that you had already determined that the defendants would be granted the judgments for the above -entitled cases.

I should like for you,a federal judge,to know that I felt that my government as represented to me by you cheated me and treated me with total disrespect.

I shall never forget the scene of a federal judge in conference with five defendant counselors and this pro se shielding his mouth from my view with his right hand as he stretched forward and leaned over his desk to whisper to the defense counselors"CONSIDER YOURSELF UNDER A PROTECTIVE ORDER"

This Pro Se can't understand why you changed your directive from "draft and submit----" to "consider yourself under a protective order"all in one so called "conference"

I HAVE BEEN TREATED SHABBILY AND INSULTED BY YOU,A REPRESENTATIVE OF MY GOVERNMENT TO ME.The right"to be secure in his own person" left me with a federal judge in my presence whispering to my op--- position.

I HAVE ALSO BEEN DEEPLY HURT AND DAMAGED IN THIS COMMUNITY BECAUSE A DISHONEST SCHOOL SUPERINTENDENT DESTROYED MY MARRIAGE AND LIED TO

me about a job directive,and when his LIE got him in "hot water" he determined that he would make me the figure of a public scandal. Tax money got my attorney to co-operate with him.Tax money caused "my" attorney to help convict me as "a liar under oath"revelant to letters which I have never seen and the hearing record proves as - much.

Since Supt. Abernathy had clearly demonstrated that no lawyer -- would ever represent me in my right to justice,I knew that he could not buy me and that I knew the details of his conspiracies against me,and so I determined to represent myself.

Judge Henderson has now given me a clear demonstration of what to expect in my efforts for justice as a pro se in federal court.

YES,YOUR HONOR,I know THE Feeling of being deeply hurt and of being treated shabbily by my government as represented to me by you. I know the deep hurt caused by being terminated in ABSENTIA,and that is a"feeling" which this court compounded on July 26,1978 as the judge conducted a whispering discovery conference with the counsel for the defendants while this pro se was ordered to "remain silent."

Your HONOR,one barrier between me and justice which I cannot overcome is that of a dishonest judge.

Now that I've had my FIRST AMENDMENT say about your shabby abuse of this PRO SE you may cite me for contempt of court if that be your your desire.

I cannot see any need to try the captioned cases since your dishonest conduct with counsel for the defendants makes it all too obvious of the conspiracy between you and them.

RESPECTFULLY SUBMITTED,

James E. Patterson

DATED: 8/8/78

JAMES E. PATTERSON, PRO SE
1004 Vernon Street
Lagrange,Georgia 30240
404/882-8533

Subscribed and sworn to before me this 8th day of August 1978.

Nicole L. Frazelle

Notary Public

CERTIFICATE OF SERVICE

I, JAMES E. PATTERSON, HEREBY CERTIFY THAT I HAVE THIS 10th DAY OF -- APRIL 1981 MAILED A COPY OF THE ATTACHED AMENDED PLEADING TO THE FOLLOWING:

U.S. DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA,
OFFICE OF THE CLERK
RUSSELL FEDERAL BUILDING
ATLANTA, GEORGIA 30303

U.S. COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK
600 CAMP STREET
NEW ORLEANS, LA. 70130

RALPH TAYLOR (FOR DEFENDANTS ABERNATHY, JOHNSON, & LEWIS)
ATTORNEY-AT-LAW
P.O. BOX 1027
LAGRANGE, GEORGIA 30240

MS. LINDA BIRREL
GA. ASSISTANT ATTORNEY GENERAL (FOR SCHACHT,
132 STATE JUDICAL BLDG. BOYD, HINCHEY,
ATLANTA, GEORGIA 30334 & GUNTER)

WILLIAM E. HOFFMAN, JR.
2200 FIRST NATIONAL TOWER (FOR FRANKEL AND
ATLANTA, GA. 30383 SMITH & HOFFMAN]

STEVEN FANNING
ATTORNEY-AT-LAW (FOR GORDON]
P.O. BOX 668
NEWNAN, GA. 30263

James Patterson
JAMES E. PATTERSON, PRO SE

IN THE UNITED STATES SUPREME COURT

80-6657 WASHINGTON, D.C.

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JAMES E. PATTERSON, PETITIONER

V.

HANS J. SCHACHT, JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER, OTIS ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, & THEODORE FRANKEL

RE: C.A. NO. 79-106-N

C.A. NO. 80-8289

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JAMES E. PATTERSON, PETITIONER

V.

HANS J. SCHACHT, JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER, OTIS ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, WILLIAM HOFFMAN, JEFFERY SMITH & THE U.S. DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA.

RE: C.A. NO. 80-1236-A

C.A. NO. 80-8290

FOREWORD

THIS DISABLED, UNEMPLOYED, PRO SE HEREBY ADVISES THIS COURT THAT HE CANNOT REFER TO THE DEFENDANTS AS "RESPONDENTS" BECAUSE THE DISTRICT COURT HAS ISSUED AN ORDER THAT THEY NOT BE SERVED WITH ANY FURTHER PLEADINGS REVELANT TO THE ABOVE-ENTITLED CASES AND THAT SAME ORDER ADVISED THE CLERK OF COURT TO RETURN TO US ANY FURTHER PLEADINGS WE FILED REVELANT TO THE ABOVE-ENTITLED ACTIONS. THEREFORE, THE DISTRICT COURT HAS RULED IN EFFECT THAT THEIR ARE NO "DEFENDANTS" OR "RESPONDENTS" IN THE ABOVE-ENTITLED ACTIONS.

2.

WE ALSO HEREBY ADVISE THIS COURT THAT WE ARE WELL AWARE OF THE FACT THAT THE ATTACHED PETITION FOR A DUE PROCESS TRIAL FOR CONTEMPT OF COURT WITH COURT APPOINTED COUNSEL DOES NOT CONFORM TO THE REQUIRED STYLING/FORM FOR AN APPEAL, BUT HE HOPES THAT A REVIEW OF THE EVIDENCE OF A FEDERAL COURT CONSPIRACY WILL CONVINCE THIS COURT - THAT THE MERITS OF THE ATTACHED PETITION WARRANTS THIS COURT'S DUE CONSIDERATION FOR A PRO SE'S RIGHTS TO "PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES" REGARDLESS OF THE FACT THAT THE ATTACHED - PETITION DOES NOT CONFORM TO THE STYLING/FORM WHICH THIS COURT REQUIRES FOR PETITIONS FILED BY ATTORNEYS.

(1) "Jurisdiction" - you had jurisdiction to order appointment of counsel because the refusal of district court to enter a ruling upon that motion did not leave a void to control an appeal of that issue. a Timely appeal. 4-5-81

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK

GILBERT F. GANUCHEAU
CLERK

TEL 404-221-6187
FTS-242-6187
56 FORSYTH ST., N.W.
ATLANTA, GEORGIA 30303

March 24, 1981

Mr. Alexander Stevas, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Nos. 80-8289 PATTERSON v. ABERNATHY
80-8290

Dear Mr. Stevas:

for off notice of appeal filed.

I am forwarding to you petitioner's Notice of Appeal to the Supreme Court of the United States from this Court's Order of January 28, 1981, stating "These appeals have been dismissed for lack of jurisdiction by order of this court on 12-29-80, the Clerk is directed to return to Mr. Patterson any further pleadings in this matter until a final order shall have been rendered by the district court and a timely notice of appeal therefrom shall have been filed." - from

false statement

As is our usual procedure, we will await further word from you as to the forwarding of this record.

Sincerely,

GILBERT F. GANUCHEAU, Clerk

By Shelda V. Harris
Shelda V. Harris
Case Manager

SVH:rcn

Enclosure

#

cc: Mr. John Taylor
Mr. Steven Fanning
Ms. Linda Birrel
Mr. William E. Hoffman, Jr.
Mr. Robert Castellani
Mr. James E. Patterson

APRIL 2,1981

A PETITION BASED ON AN APPEAL OF AN ORDER ENTERED ON JANUARY 28, 1981 IS TIMELY IF FILED 90 DAYS FROM JANUARY 28,1981. SUPREME COURT RULE # 13 READS IN PART AS FOLLOWS:"NOT MORE THAN NINETY DAYS AFTER THE ENTRY OF THE JUDGMENT APPEALED FROM IT SHALL BE THE DUTY OF THE APPELLANT TO DOCKET THE CASE IN THE MANNER SET FORTH IN PARAGRAPH 2 OF THIS RULE------" NINETY DAYS FROM JANUARY 28,1981 WOULD BE APRIL 28,1981. THEREFORE,OUR PETITION IS TIMELY.

James C Patterson

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543

March 31, 1981

Mr. James E. Patterson
1004 Vernon Street
LaGrange, Georgia 30240

RE: James E. Patterson v. Hans J. Schacht, et al.; and James E. Patterson v. Otis J. Abernathy, et al.
A-828

Dear Mr. Patterson:

Your application for an extension of time within which to docket an appeal in the above-entitled case has been presented to Justice Powell, who has endorsed thereon the following:

"Denied.
3/31/81
LFP"

Very truly yours,

ALEXANDER L. STEVAS, Clerk

By Francis J. Lorson
Francis J. Lorson
Chief Deputy Clerk

rwk
cc: Honorable Otis J. Abernathy
Gilbert F. Ganucheau, Esq., Clerk,
US Court of Appeals for the Fifth Circuit
(Your Nos. 80-8289 and 80-8290)

DEAR SIR:

MY APPEAL WAS BASED ON AN ORDER ENTERED BY THE FIFTH CIRCUIT COURT ON JANUARY 28,1981 AND I UNDERSTAND THAT I HAD 90 DAYS FROM THAT DATE TO FILE MY PETITION WITH THE SUPREME COURT. THAT ORDER IS ATTACHED WITH MY PETITION.

4/2/81

James E. Patterson
JAMES E. PATTERSON

THIS COURT IS REQUESTED TO REVIEW THE ATTACHED EVIDENCE AND THEN DETERMINE IF ALBERT J.HENDERSON,JR.SHOULD SIT ON THE FEDERAL JUDICAL BENCH SINCE ATTACHED EVIDENCE SHOWS THAT HENDERSON CONSPIRED WITH DEFENDANTS IN CASES NOS.C78-31-N & C78-47-N,WHO ARE THE SAME AS THOSE LISTED IN C.A.NO.79-106-N,TO CONTROL JUDGMENTS FOR CASES NOS. C78-31-N & C78-47-N VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER(P.O.).

4.

THIS CHEATED PRO SE SINCERELY MOVES THIS COURT TO REVIEW THE ATTACHED P.O.SIGNED BY JUDGE HENDERSON REVELANT TO C.A.NO.78-31-N,AND WHICH HENDERSON APPLIED TO C.A.NO.78-47-N, AND PLEASE NOTE WITH A VERY SPECIFIC INTEREST THAT HENDERSON FRAUDULENTLY STATES IN THAT P.O. THAT AN ATTORNEY PROTECTED OUR DUE PROCESS RIGHTS REVELANT TO C.A. NO.78-31-N & C.A.NO.78-47-N.HE KNEW,OF COURSE,THAT WE WERE NOT REPRESENTED BY AN ATTORNEY IN HIS COURT.

5.

THUS,JUDGE HENDERSON LIED WHEN HE FALSELY STATED IN THAT P.O. THAT WE WERE AFFORDED DUE PROCESS BY LEGAL COUNSEL IN HIS COURT-IN HIS COURT-REVELANT TO CASES NOS.C78-31-N & C78-47-N.

6.

WE ALSO URGE THIS COURT TO NOTE WITH SPECIAL INTEREST THAT WE REFUSED TO FILE A BRIEF WITH JUDGE HENDERSON AFTER A SO CALLED TRIAL ON THE GROUND THAT HIS CONSPIRACY WITH THE DEFENDANTS MADE IT IMPOSSIBLE FOR US TO REALIZE THE DUE ADMINISTRATION OF JUSTICE IN HIS COURT. EVIDENCE OF OUR REFUSAL IS ATTACHED.

7.

JUDGE ALBERT J.HENDERSON,JR.,NOW ON THE BENCH OF THE FIFTH CIRCUIT COURT,AFTER A PROMOTION BY PRESIDENT CARTER,IS GUILTY OF LEGAL MALPRACTICE,MALFEASANCE IN OFFICE AND RESORTING TO PERJURY TO FAVOR THE DEFENDANTS.

8.

SINCE WE DO NOT KNOW HOW TO PROPERLY STYLE A PETITION TO INCLUDE THE UNIMPEACHABLE EVIDENCE REVELANT TO JUDGE HENDERSON'S MISCONDUCT WILL THIS COURT DENY OUR FIRST AMENDMENT RIGHTS TO "PETITION THE UNITED STATES SUPREME COURT FOR REDRESS OF HENDERSON'S MISCONDUCT AGAINST THIS PRO SE" ON THAT GROUND?

9.

THIS UNEMPLOYED PRO SE TRIED TO OBTAIN LEGAL COUNSEL FROM EVERY FEDERALLY FUNDED LEGAL SERVICES PROGRAM,BUT ALL EFFORTS FAILED.WE ALSO CALLED ON U.S.SENATOR MACK MATTINGLY TO HELP US OBTAIN LEGAL COUNSEL FROM A FEDERALLY FUNDED PROGRAM,BUT HE WAS NOT ABLE TO DO SO.

WHEN THE DISTRICT COURT ENTERED AN ORDER ON AUGUST 7,1980 RE---QUIRING THIS DISABLED,UNEMPLOYED,PRO SE TO SHOW CAUSE WHY HE SHOULD NOT BE HELD IN CONTEMPT OF COURT WE FILED A MOTION AND AN AFFIDAVIT ASKING THE DISTRICT COURT TO APPOINT COUNSEL FOR US.THE COURT HAS IGNORED THAT MOTION AND AFFIDAVIT.WE NEXT APPEALED TO THE FIFTH -- CIRCUIT COURT OF APPEALS FOR APPOINTMENT OF COUNSEL BY THE COURT, BUT THAT COURT HAS THUS FAR REFUSED TO ENTER A RULING ON THAT MOTION FILED IN SEPTEMBER 1980. THEREFORE, WE HAVE BEEN DENIED THE HELP OF LEGAL COUNSEL IN DRAFTING THIS PETITION FOR A DUE PROCESS CONTEMPT TRIAL WITH REPRESENTATION BY LEGAL COUNSEL.

10.

THEREFORE,SHALL WE NOW BE DENIED THE FIRST AMENDMENT RIGHT TO REPORT TO THE UNITED STATES SUPREME COURT THAT AFTER JUDGE HENDERSON DEFRAUDED US OF OUR RIGHTS TO THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N WITH HIS FRAUDULENT PROTECTIVE ORDER (P.O.) FAISELY REFERRING TO OUR NON-EXISTANT ATTORNEY,THAT DISTRICT COURT JUDGE,G. ERNEST TIDWELL,ON THE BENCH OF THE U.S.DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA,REFUSED TO ENTER A RULING ON OUR DOCUMENTED - CRIMINAL CHARGES AGAINST JUDGE HENDERSON AS WE SET FORTH THOSE CHARGES IN C.A.NO.79-106-N BECAUSE WE DO NOT KNOW HOW TO PROPERLY STYLE A PETITION TO THE UNITED STATES SUPREME COURT?

11.

DOES'NT THE MERIT OF THE FACTS SHOWING THAT TIDWELL REFUSED TO ENTER A RULING ON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION REVELANT TO C.A.NO.79-106-N OUT WEIGH THE FACT THAT THIS PRO SE,WHO HAS BEEN DENIED LEGAL COUNSEL,LACKS THE LEGAL KNOWLEDGE TO KNOW HOW TO PROPERLY DRAFT A PETITION TO THE UNITED STATES SUPREME COURT? DOES'NT SHOWING THAT WE WERE CHEATED SHOW THAT JUDGE TIDWELL IS ALSO GUILTY OF MALFEASANCE IN OFFICE AND DOES IT MATTER IF WE PROPERLY STYLE A PETITION TO DOCUMENT A SECOND DISHONEST FEDERAL JUDGE?

CLEARLY,WE WERE ENTITLED TO SUMMARY JUDGMENT FOR C.A.NO.79-106-N -- SINCE NO DEFENDANT ATTEMPTED TO CONTROVERT THAT MOTION.

12.

DOES A PRO SE HAVE TO ADHERE TO A SPECIFIC STYLING FOR A PETITION THAT "PETITIONS THE GOVERNMENT FOR REDRESS OF GRIEVANCES"---- AGAINST JUDGE TIDWELL IN ORDER TO SHOW THAT IN SPITE OF TIDWELL'S DISHONESTY AND CONSPIRACY TO REFUSE US A RULING ON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION THAT HE ORDERED SUPPRESSION OF ALL EVIDENCE AGAINST JUDGE HENDERSON'S FRAUDULENT PROTECTIVE ORDER WITH THE FRAUDULENT REFERENCE TO OUR NON-EXISTANT ATTORNEY?

13.

JUDGE TIDWELL CHEATED US OUT OF OUR RIGHT TO SUMMARY JUDGMENT FOR C.A.NO.79-106-N AND THAT EVIDENCE SHOULD MERIT MORE WEIGHT THAN AN IMPROPERLY STYLED"PETITION FOR REDRESS OF GRIEVANCES"

IS THERE SOME SPECIFIC STYLING FOR A"PETITION FOR REDRESS OF GRIEVANCES" REQUIRED OF A PRO SE TO SHOW THIS COURT THAT JUDGE TIDWELL ALSO CHEATED US OUT OF OUR RIGHT TO HIS ORDER FOR A CONSENT - JUDGMENT AND THIS COURT WILL FIND THAT ORDER ATTACHED HEREIN? JUDGE TIDWELL HAS NOT UNTIL THIS DATE VACATED OR ALTERED HIS ORDER REQUIRING THE DEFENDANTS TO OFFER US A CONSENT JUDGMENT WHICH HE ENTERED ON HIS OWN INITIATIVE. NO,HE SUDDENLY DISMISSED C.A.NO.79-106-N WHEN HE WAS MADE AWARE OF THE FACT THAT THE DEFENDANTS COULD NOT CONTROVERT OUR MOTION FOR SUMMARY JUDGMENT AND THEY COULD NOT BECAUSE WE DOCUMENTED THAT THEY PROCEEDED AGAINST US IN HENDERSON'S COURT ON THE "STRENGHT"OF A FRAUDULENT PROTECTIVE ORDER FALSELY REFERRING TO OUR NON-EXISTANT LAWYER.

15.

DOES THIS CHEATED PRO SE HAVE THE CONSTITUTIONAL RIGHT TO SHOW THIS COURT THAT TIDWELL CLAIMS THAT HIS SUPPRESSION ORDER REVELANT TO HENDERSON'S MISCONDUCT WAS AN INJUNCTION OR WILL WE BE DENIED - THAT CONSTITUTIONAL RIGHT ON THE GROUNDS THAT WE DO NOT HAVE THE - LEGAL BACKGROUND TO KNOW HOW TO PROPERLY STYLE A PETITION TO THIS FEDERAL COURT?

16.

HOWEVER,FEDERAL JUDGE,TIDWELL,IS REQUIRED BY PROVISIONS OF FED R CIV P RULE 65(a)(1) TO AFFORD US A HEARING BEFORE HE ISSUES AN INJUNCTION AGAINST US AND HE DID NOT DO SO.THEREFORE,JUDGE TIDWELL - DID NOT AND DOES NOT HAVE THE POWER TO GRANT INJUNCTIVE RELIEF ON A PERMANENT BASIS,AS HE DID,ON UN-SWORN "FACTS" OR "ALLEGATIONS" IF HE CALLS HIS SUPPRESSION ORDER AN INJUNCTION. CAN WE BE DENIED OUR CONSTITUTIONAL RIGHT OF "ACCESS TO THE COURT"BECAUSE WE LACK THE - LEGAL EDUCATION TO STYLE A PETITION ASKING THIS COURT TO ORDER JUDGE TIDWELL TO VACATE HIS SUPPRESSION ORDER OR INJUNCTION TACKED ON TO THE DISMISSAL ORDER FOR C.A.NO.79-106-N UNTIL SUCH TIME AS HE HAS AFFORDED US A HEARING? SEE,GRANNY GOOSE FOODS,INC. V.BROTHERHOOD OF TEAMSTERS & AUTO TRUCK DRIVERS,LOCAL 70 (1974) 415 US 423,432 NOTE 7,94 SCT 1113,39 LE2D 435;WRIGHT & MILLER,FED PRAC AND PROC CIVIL # 2949.

17.

BECAUSE BOTH JUDGES HENDERSON AND TIDWELL CHEATED THIS PRO SE, WE IGNORED TIDWELL'S SUPPRESSION ORDER COVERING UP FOR JUDGE HENDERSON AND THE DEFENDANTS AND CLAIMED OUR RIGHT TO BOTH CONSENT JUDGMENT AND SUMMARY JUDGMENT FOR C.A.NO.79-106-N AS WE FILED C.A.NO. 80-1236-A. AFTERALL,TIDWELL HAD NOT ENTER A RULING ON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION OR HIS CONSENT JUDGMENT ORDER AND HE LACKED THE POWER TO DISMISS C.A.NO.79-106-N UNTIL HE HAD RULED UPON ALL MAJOR MOTIONS AND ORDERS FROM HIS COURT.

18.

WE"PETITION THIS FEDERAL COURT FOR REDRESS OF GRIEVANCES"A -- AGAINST

JUDGE MARVIN SHOOB WHO DENIED US A DUE PROCESS HEARING BEFORE HE ENTERED AN ORDER TO THE EFFECT THAT C.A.NO.80-1236-A WOULD NOT BE SERVED ON A DEFENDANT.JUDGE SHOOB RULED THAT THAT "ACTION APPARENTLY VIOLATES JUDGE TIDWELL'S INJUNCTION" A HEARING WAS REQUIRED TO MAKE THAT DETERMINATION.

19.

JUDGE TIDWELL HELD THAT OUR EFFORT TO HAVE C.A.NO.80-1236-A SERVED ON THE DEFENDANTS-WHICH SHOOB BLOCKED,WAS GROUNDS FOR CONTEMPT. THUS,TIDWELL ISSUED AN ORDER ON AUGUST 7,1980 ORDERING US TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CONTEMPT OF COURT,BUT THE COURT HAS STEADFASTLY REFUSED TO TRY US BECAUSE IT KNOWS THAT OUR PUBLIC TESTIMONY WOULD DOCUMENT A FEDERAL CONSPIRACY AGAINST US TO COVER UP JUDGE HENDERSON'S MIS-CONDUCT.

20.

IS THERE A SPECIAL FORM REQUIRED OF A PRO SE TO SHOW THIS COURT THAT HE WAS ENTITLED TO A DUE PROCESS HEARING BEFORE JUDGE SHOOB - QUASHED C.A.NO.80-1236-A? "NATURE OF CONTEMPT CHARGES REQUIRES THAT THOSE CHARGED WITH VIOLATIONS OF AN INJUNCTION AS CONTEMPT BE AFFORDED A DUE PROCESS HEARING AS GUARANTEED BY U.S.C.A.CONST.AMENDS.5-14- ADAMS V.SAMPSON (D.C.N.C. 1978) 454 F.SUPP.233. THUS,WE NOW ARE ASKING THE "HIGHEST COURT IN THE LAND"TO ORDER THE DISTRICT COURT TO VACATE ITS SO CALLED PERMANENT INJUNCTION ISSUED AGAINST US AND TO AFFORD US A SHOW CAUSE TRIAL WITH COURT APPOINTED COUNSEL.

21.

MUST THIS PRO SE STYLE HIS REPORT TO THIS COURT BY SOME REQUIRED STYLING/FORM IN ORDER TO SHOW THAT THE JUSTICE DEPARTMENT - RULED THAT IT LACKED THE POWER TO INVESTIGATE VIOLATION OF OUR CIVIL RIGHTS BY FEDERAL JUDGES AND STATE EMPLOYEES?

22.

NOT SO LONG AGO,MR.CHIEF JUSTICE BERGER TERMINATED THE EMPLOYMENT OF AN EMPLOYEE OF HIS COURT FOR RELEASING TO THE NEWS MEDIA A DECISION BY THE COURT.MR.CHIEF JUSTICE BERGER WAS PROTECTING THE - INTEGRITY OF HIS COURT.THUS,WHEN MR.CHIEF JUSTICE BERGER IS FURNISHED EVIDENCE OF A FEDERAL CONSPIRACY TO VIOLATE OUR CIVIL RIGHTS IT IS HOPED THAT HE WILL ACT JUST AS SWIFTLY TO ORDER AN INVESTIGATION INTO SAID CHARGES.

23.

THIS PRO SE HAS BEEN DENIED A SHOW CAUSE TRIAL AND APPOINTMENT OF COUNSEL SINCE AUGUST 7,1980 BECAUSE THE CORRUPT DISTRICT COURT JUDGES KNOW THAT THEIR ORDER FOR US TO SHOW CAUSE WHY WE --- SHOULD NOT BE HELD IN CONTEMPT IS A FARCE AND A GOVERNMENT MANUFACTURED CHARGE WHICH IF PUBLICLY TRIED WOULD DISCREDIT FOUR FEDERAL COURT JUDGES, AND IMPEACH JUDGE ALBERT J.HENDERSON,JR.

24.

WHEREFORE,HAVING DOCUMENTED THAT THE DISTRICT COURT ENTERED A

PERMANENT INJUNCTION AGAINST US WITHOUT AFFORDING US A HEARING, AND ON THE BASIS OF NO SWORN AFFIDAVITS, TO COVER UP JUDGE HENDERSON'S CRIMINAL MISCONDUCT AGAINST US, AND HAVING SHOWN THIS COURT THAT THE DISTRICT COURT ORDERED US ON AUGUST 7,1980 TO SHOW CAUSE WHY WE - SHOULD NOT BE HELD IN CONTEMPT FOR HAVING TRYED TO HAVE C.A.NO.80-1236-A SERVED ON THE DEFENDANTS, WE NOW ENTER A PLEA FOR THIS COURT TO ENTER AN ORDER REQUIRING THE DISTRICT COURT TO APPOINT COUNSEL FOR US AND TO AFFORD US DUE PROCESS RIGHT TO SHOW WHY WE ARE NOT IN CONTEMPT OF FEDERAL DISTRICT COURT.

25.

WHEREFORE, AFTER-ALL, THE COURT ORDERED US ON AUGUST 7,1980 TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CONTEMPT OF COURT, BUT THE COURT HAS DENIED US THE DUE PROCESS RIGHT TO COMPLY WITH ITS SHOW CAUSE ORDER SO THAT IT CAN KEEP HENDERSON'S MISCONDUCT FROM BEING MADE A MATTER OF A PUBLIC RECORD. NOW PLEASE SEE EXHIBIT # SC-1.

RESPECTFULLY SUBMITTED,

James E. Patterson

JAMES E. PATTERSON, PRO SE
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[404]882-8533

4/2/81.

"CIVIL CONTEMPT IS ESTABLISHED WHEN IT IS PROVEN BY CLEAR AND CONVINCING EVIDENCE THAT THERE IS A --- LAWFUL ORDER --- AND THAT SUCH ORDER WAS VIOLATED." U.S.V.AMERICAN SOCIETY OF CIVIL ENGINEERS (D.C. N.Y.1977) 446 F.SUPP.803.

WE DID NOT VIOLATE A "LAWFUL ORDER" WHEN WE IGNORED JUDGE TIDWELL'S ORDER TO SUPPRESS ALL EVIDENCE REVELANT TO JUDGE HENDERSON'S MISCONDUCT WHEN JUDGE TIDWELL REFUSED TO ENTER A RULING UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION AND REFUSED TO HONOR HIS ORDER REQUIRING A CONSENT JUDGMENT BY THE DEFENDANTS. THEREFORE, WE HAD - THE LEGAL RIGHT TO HAVE TRIED TO FILE C.A.NO.80-1236-A.

"EVERY CIVIL CONTEMNOR WHO ASSERTS A GENUINE ISSUE OF MATERIAL - FACT IS ENTITLED TO A FULL, IMPARTIAL TRIAL." WASHINGTON METRO AREA TRANSIT AUTHORITY V.AMALGAMATED TRANSIT UNION, LOCAL 689 531 F.2D 617,174 U.S.APP.D.C. 285.

THERE WAS A "GENUINE ISSUE OF MATERIAL FACT" TO BE TRIED BEFORE - JUDGE SHOOB QUASHED MARSHAL'S SERVICE ON C.A.NO.80-1236-A AND NOW THAT HE HAS LONG AGO QUASHED THAT ACTION AND WE WERE CITED FOR HAVING TRIED TO FILE THAT ACTION WE ARE ENTITLED TO A SHOW CAUSE TRIAL WITH COURT APPOINTED COUNSEL. IF THE COURT COULD HAVE CONVICTED US IT WOULD HAVE TRIED US IN AUGUST 1980 WHEN THE SHOW CAUSE ORDER WAS ISSUED.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

JAMES E.PATTERSON,PETITIONER/APPELLANT

V.

OTIS J.ABERNATHY,RALPH JOHNSON, JAMES LEWIS,KENNETH GORDON, THEODORE FRANKEL,HANS J.SCHACHT, JOHN HINCHEY,WESLEY BOYD,NEIL GUNTER,RESPONDENTS/APPELLES

IN RE:C.A.NO.79-106-N

JAMES E.PATTERSON,PETITIONER/APPELLANT

V.

JAMES LEWIS,OTIS ABERNATHY,RALPH JOHNSON,KENNETH GORDON,THEODORE FRANKEL,HANS J.SCHACHT,JOHN HINCHEY, NEIL GUNTER;WESLEY BOYD & THE U.S. DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA. RESPONDENTS/APPELLES.

IN RE:C.A.NO.80-1236-A

NOTICE OF INTENT TO APPEAL

I,JAMES E.PATTERSON,APPELLANT IN THE ABOVE-STYLED CASES HEREBY - SERVES NOTICE OF INTENT TO APPEAL TO THE U.S.SUPREME COURT THIS --- COURT'S REFUSAL TO GRANT APPELLANT'S SHOW CAUSE TRIAL AS PROVIDED FOR BY SECURED RIGHTS OF THE FIFTH,SIXTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION.

2.

WE FURTHER CERTIFY THAT WE INTEND TO APPEAL'S THIS COURT'S REFUSAL TO GRANT US A HEARING TO SHOW THAT FED R CIV P RULE 65(a(1) DOES NOT EMPOWER DISTRICT COURTS TO GRANT PERMANENT INJUNCTIVE RELIEF BASED SOLELY ON UNSWORN "FACTS"WHEN WE HAD PETITIONED THE COURT FOR OUR SECURED CONSTITUTIONAL RIGHT TO A HEARING ON THE DEFENDANT'S APPLICATION FOR PERMANENT INJUNCTIVE RELIEF WHICH THEY ASKED TO BE GRANTED "WITHOUT ORAL ARGUMENT" AND SO IT WAS DONE. THE DISTRICT COURT HELD IN DISMISSING C.A.NO.C80-1236-A THAT WE HAD NO RIGHT TO SEEK RELIEF BY PROVISIONS OF FED R CIV P RULE 62(c) AND THIS COURT DID AFFIRM SUCH A FALSE RULING.

3.

WE FURTHER CERTIFY THAT WE INTEND TO APPEAL TO THE SUPREME COURT THIS COURT'S REFUSAL TO ENTER A RULING ON OUR SECURED RIGHTS TO --- COURT APPOINTED COUNSEL WHEN CHARGED WITH HAVING VIOLATED A FEDERAL STATUTE AND WHEN WE HAVE ESTABLISHED OUR POVERTY CONDITION SHOWING THAT WE LACK THE MONEY WITH WHICH TO RETAIN PRIVATE COUNSEL.SECTION 706(f) TITLE VII - CIVIL RIGHTS ACT-1964[42 USC # 2000c-5(f)(1)---- CASTON V.SEARS,ROEBUCH & CO,HATTIESBURG,MISS.(5TH CIR 1977) 556 F2D 1305

SUPREME COURT RULE # 13 REQUIRES APPELLANT TO DOCKET HIS APPEAL "NOT MORE THAN NINETY DAYS AFTER ENTERY OF THE JUDGMENT APPEALED FROM." THE DATE OF ENTRY OF THE JUDGMENT APPEALED FROM IS JANUARY 28,1981.

BOTH THIS COURT AND THE DISTRICT COURT ORDERED THE CLERKS AND THE DEFENDANTS NOT TO RESPOND TO ANY MOTION,OR OTHER PLEADING,FILED BY US WITH ANY COURT REVELANT TO THIS MATTER.THEREFORE,WE SHALL NOT SERVE THE DEFENDANTS WITH A COPY OF THIS "NOTICE OF INTENT TO APPEAL" BECAUSE THEY ARE UNDER A FEDERAL COURT ORDER NOT TO RESPOND TO OUR FURTHER EFFORTS TO REALIZE OUR CONSTITUTIONAL RIGHTS.

FED R CIV P RULE 65(d) REQUIRES THAT AN INJUNCTION BE A SEPARATE JUDGMENT FROM THE COURT'S MEMORANDUM OPINION OR ORDER AND THAT SAID INJUNCTION MUST BE SERVED WITH A NOTICE AND IF SUCH REQUIREMENTS ARE NOT ADHERED TO THEN THE "INJUNCTIVE RELIEF" GRANTED BY THE COURT-DENIES DUE PROCESS.

James E Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
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[404] 882-8533

DATED: 2.25.81.

IN UNITED STATES SUPREME COURT
WASHINGTON, D.C.

JAMES E. PATTERSON, PETITIONER

V.

OTIS ABERNATHY, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, HANS SCHACHT(SHOT), JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER & RALPH JOHNSON AND ALL BONDING COMPANIES COVERING ABOVE RESPONDENTS
RESPONDENTS

C.A.NO.79-106-N

JAMES E. PATTERSON, PETITIONER

V.

OTIS J. ABERNATHY, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, RALPH JOHNSON, WILLIAM E. HOFFMAN, JR., & JEFFERY SMITH, & DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA
RESPONDENTS

C.A.NO.80-1236-A

PETITION FOR ALLOWANCE OF AN APPEAL

PETITION IS HEREBY MADE BY JAMES E. PATTERSON, PRO SE, 1004 VERNON STREET, LAGRANGE, TROUP COUNTY, GEORGIA, 30240 FOR ALLOWANCE OF AN APPEAL FROM THE JUDGMENT OF THE DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA ENTERED ON OCTOBER 21, 1980 FINDING PETITIONER AS GUILTY OF CIVIL CONTEMPT WITHOUT AFFORDING HIM EITHER COUNSEL OR A TRIAL AND FROM THE FIFTH CIRCUIT COURT OF APPEALS ORDER ENTERED ON JANUARY 28, 1981 AFFIRMING THAT DISTRICT COURT ORDER IN FAVOR OF ALL ABOVE RESPONDENTS.

PETITIONER ADVISES THAT THE FIFTH CIRCUIT COURT OF APPEALS DID - AFFIRM THE DISTRICT COURT'S ORDER BY REFUSING TO GRANT US SECURED SIXTH AMENDMENT RIGHTS TO COUNSEL AND A SPEEDY TRIAL ON PENDING -- CIVIL CONTEMPT CHARGES AND BY REFUSING TO ENTER A RULING REVELANT TO EX PARTE MOTION TO DISMISS CASE NO. C80-1236-A.

PETITIONER FURTHER INFORMS THIS COURT THAT THE DISTRICT COURT ORDER MUST BE READ WITH INTENT IN WHICH IT IS WORDED TO DETERMINE THAT THE DISTRICT COURT NEVER INTENDS TO AFFORD US A CIVIL CONTEMPT TRIAL IN THAT COURT "BEMOANS "THE FACT THAT IT LACKS THE POWER TO ENFORCE ITS INJUNCTIVE SUPPRESSION ORDERS WHICH IS NOT TRUE IF SAID ORDER IS VALID AND IF THE COURT IS WILLING TO TRY US FOR HAVING VIOLATED ITS "INJUNCTIVE SUPPRESSION ORDER" SEE, EXHIBITS NOS. 1 & 2.

DATED: 3-6-81.

RESPECTFULLY SUBMITTED,
James Patterson
JAMES E. PATTERSON, PRO SE
LAGRANGE, GEORGIA 30240

A.

1. SPEEDY TRIAL. "SPEEDY TRIAL,WHICH IS ONE OF THE MOST BASIC -- RIGHTS PRESERVED BY CONSTITUTION CANNOT BE COMPLETELY DIVORCED FROM THE PANOPLY OF RIGHTS EMBRACED BY DUE PROCESS." U.S.C.A.CONST.AMENDS. 6-14 U.S.V.WILLIAMS 558 F.2D 224(C.A.TEX.1977).

A PERSON ORDERED ON AUGUST 7,1980 TO "SHOW CAUSE" WHY HE SHOULD NOT BE"JUDGED IN CONTEMPT OF THIS COURT"AND WHO THEN FILES FOUR(4) MOTIONS ASKING FOR A TRIAL,BUT SAID MOTIONS WERE IGNORED,HAS NOT BEEN AFFORDED DUE PROCESS WHEN IN MARCH 1981 HE STILL HAS NOT BEEN AFFORDED A TRIAL.

IT IS ALSO TRUE THAT JUDGE JAMES HILL COVERED UP FOR THE REFUSAL OF THE DISTRICT COURT TO AFFORD US A TRIAL BY RULING THAT THE FIFTH CIRCUIT COULD NOT RULE UNTIL AFTER A CONTEMPT TRIAL AND THEN WHEN WE ASKED FOR RECONSIDERATION JUDGE HILL RULES THAT OUR PLEADING IS "ALMOST UNINTELLIGIBLE"AND THE IMPLICATION WAS THAT IF WE - CANNOT COMPREHEND YOUR PLEADINGS WE CANNOT RULE UPON THEM.

2. EX PARTE MOTIONS. "EX PARTE COMMUNICATIONS SHADOW THE IMPARTIALLY OF ANY JUDICAL PROCEEDING AND SUCH CONDUCT CONSTITUTES DEPRIVATION OF DUE PROCESS OF LAW."

SO,WHEN JUDGE SHOOB AND JUDGE MOYE SECRETLY COMMUNICATED WITH DEFENDANT HOFFMAN TO ASK HIM TO FILE A MOTION QUASHING MARSHAL'S SERVICE ON THE DEFENDANTS FOR CASE NO.C80-1236-A THEY VIOLATED OUR RIGHT TO DUE PROCESS OF LAW.

JUDGE HILL RULED ON DECEMBER 29,1980 THAT OUR APPEAL OF THAT MISCONDUCT "WAS NOT TIMELY" AND THAT SAID PLEADING "WAS ALMOST UNINTELLIGIBLE" AS HE COVERED UP FOR THE DISTRICT COURT WHICH WAS DOING AN A-1 JOB OF COVERING UP FOR JUDGE HENDERSON.

3. SUPPRESSION OF EVIDENCE. "GENERAL RULE REGARDING SUPPRESSION OF MATERIAL EVIDENCE IS THAT SUPPRESSION,BY PROSECUTION,OF EVIDENCE FAVORABLE TO ACCUSED VIOLATES DUE PROCESS WHERE EVIDENCE IS RE---- QUESTED BUT DENIED BY THE COURT."

JUDGE HENDERSON PERMITTED THE DEFENDANTS TO DESIGN A PRE-TRIAL ORDER THAT DENIED OUR RIGHT OF ACCESS TO 127 EXHIBITS & DOCUMENTS IN THEIR POSSESSION WHICH THEY HAD PREVIOUSLY UTILIZED AGAINST US IN - OUR ABSENCE AND THEY STILL CLAIM OUR SIGNATURES APPEARS ON EACH.TO MAKE THAT FRAUDULENT ORDER "LEGAL",OR "VALID"HENDERSON STATES THAT "OUR" "PHANTOM ATTORNEY" AGREED TO THE TERMS OF HIS FRAUDULENT ORDER AND NO LAWYER REPRESENTED US WHEN THIS MATTER WAS IN HENDERSON'S COURT.

THEN JUDGE TIDWELL DISMISSED CASE NO.C79-106-N AND ORDERED THE SUPPRESSION OF EVIDENCE REVELANT TO JUDGE HENDERSON AND HIS FRAUDULENT PRE-TRIAL ORDER AND HE CITED US ON AUGUST 7,1980 FOR IGNORING HIS SUPPRESSION ORDER WHEN WE TRIED TO FILE CASE NO.C80-1236-A.

4. SUPPRESSION OF EVIDENCE."IRRESPECTIVE OF THE GOOD FAITH OR BAD FAITH OF THE PROSECUTION,IT IS A VIOLATION OF DUE PROCESS FOR THE PROSECUTION/GOVERNMENT TO SUPPRESS EVIDENCE FAVORABLE TO THE ACCUSED" U.S.C.A.CONST.AMEND.5-14- LEWINSKI V.RISTAINO (D.C.MASS.1978) 448F. SUP.690. CONSIDER 127 DOCUMENTS WITH OUR SIGNATURES THEREON.

JUDGES HENDERSON AND TIDWELL COMPLETELY WIPED OUT OUR DISCOVERY RIGHTS REVELANT TO CASES NOS.C78-31-N,C78-47-N AND C79-106-N RESPECTIVELY AND SO DID JUDGE SHOOB WITH CASE NO.C80-1236-A BEFORE HE AND HOFFMAN CONSPIRED TO SECRETLY DISMISS IT.

5. IMPARTIAL."DUE PROCESS REQUIRES THAT COURT BE IMPARTIAL" SEE, (PER WINTER,CIRCUIT JUDGE,WITH ONE JUDGE CONCURRING IN PART) U.S. V.KARNES (C.A.VA. 1976) 531 F.2D 214.

NO HONEST PERSON COULD POSSIBLY - READ THE FOREGOING AND THEN CONCLUDE THAT EITHER JUDGES HENDERSON,OR TIDWELL,OR SHOOB,OR VINING IS IMPARTIAL REVELANT TO THIS MATTER.

6. PERJURED OR FALSIFIED EVIDENCE. "KNOWING USE OF PERJURED TESTIMONY BY PROSECUTION DENIES DUE PROCESS" U.S.V.ANDERSON (C.A.GA.1978); STREET V.WARDEN,MARYLAND PENITENTIARY. [D.C.MD.1976] 423 F.SUPP. 611.

WELL,THE GOVERNMENT'S AGENT NAMELY,JUDGE HENDERSON,FALSIFIED A PRE-TRIAL ORDER FOR THE SOLE PURPOSE OF CONTROLLING TWO (2) FEDERAL COURT JUDGMENTS AND TO KEEP HIS FRAUDULENT ORDER NO.C77-6-N FROM - BEING EXPOSED AS A FRAUD.

JUDGE TIDWELL FALSIFIED HIS ORDER FOR CASE NO.C79-106-N BY FALSELY ALLEGING THAT SAID CASE WAS BASED ON SAME CLAIMS SET -- FORTH IN HENDERSON'S COURT,SPECIFICALLY,CASES NOS.C78-31-N AND C78-47-N.

JUDGE VINING FALSELY CERTIFIED TO JUDGE HILL AND THE FIFTH CIRCUIT THAT WE HAD FAILED TO APPEAR AT A COURT ORDER TRIAL ON -- SEPTEMBER 3,1980,BUT HIS ORDER ATTACHED HERETO SHOWS THAT HE CANCELED SAID HEARING ON SEPTEMBER 2,1980.

JUDGE SHOOB RESORTED TO THE PERJURY THAT THE BANK HAD RETURNED OUR FILING FEE CHECK FOR CASE NO.C80-1236-N FOR "INSUFFICIENT - FUNDS" IN ORDER TO STALL FOR TIME UNTIL HOFFMAN COULD SUBMIT AN EX-PARTE MOTION TO QUASH MARSHAL'S SERVICE ON THAT ACTION.

HOFFMAN'S EX PARTE MOTION WAS 100% PERJURY AND SHOOB KNEW AS MUCH YET HE ACCEPTED PERJURY IN AN EX PARTE MOTION AS "TRUTH"

THE FIFTH CIRCUIT REFUSED TO RULE ON OUR PLEADING FOR COURT APPOINTED COUNSEL,A SPEEDY CONTEMPT TRIAL AND WHETHER CASE NO.C80-1236-A SHOULD BE DOCKETED ON THE PERJURED ALLEGATIONS THAT OUR PLEADING "WAS NOT TIMELY" AND "WAS ALMOST UNINTELLIGIBLE"

7. EVIDENCE;WITNESSES. "RIGHT OF MOVANT TO SUBPOENAE WITNESSESIS IS RIGHT AFFORDED BY SIXTH AMENDMENT GUARANTEE OF COMPULSORY PROCESS" U.S.C.A.CONST.AMEND.6-(C.A.TEX.1978) THOR V.U.S. 574 F.2D215.

WELL,JUDGE HENDERSON FORCED US TO A TRIAL AFTER HE HAD

7. EVIDENCE;WITNESSES. QUASHED ALL OF OUR SUBPOENAED WITNESSES.

THEIR WERE THREE (3) PERSON SERVING ON THE COMMISSION'S HEARING --- PANEL WHEN IT HEARD THIS MATTER PUBLICLY ON JULY 16,1976 AND WHEN WE TRIED TO SUBPOENAE THEM FOR "TRIAL?" OF CASES NOS.C78-31-N AND C78-47-N JUDGE HENDERSON QUASHED THOSE SUBPOENAED MATERIAL WITNESSES. WE SET THIS CLAIM IN CASE NO.C79-106-N AND JUDGE TIDWELL FALSELY RULED THAT IT WAS A CLAIM IN HENDERSON'S COURT. IT WAS NOT.

8. ACCESS TO THE COURTS. "THE RIGHT TO PETITION GOVERNMENT FOR REDRESS OF GRIEVANCES IS GUARANTEED AS AN ELEMENT OF DUE PROCESS" U.S.C.A. CONST.AMENDS. 1-5-14- HALL V.STATE OF MD.(D.C.MD.1977) 433 F.SUPP.756.

A PRO SE HAS NO RIGHTS IN THE DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA. THE COURT EVEN REFUSES TO AFFORD OUR RIGHT TO A"SHOW CAUSE"CONTEMPT CHARGE ISSUED ON AUGUST 7,1980.HOW CAN ONE COMPLY WITH A "SHOW CAUSE"ORDER WHEN THE COURT VIOLATES HIS RIGHTS OF ACCESS TO THE COURTS AND A CONTEMPT TRIAL?

WE TRIED TO PETITION THE FIFTH CIRCUIT FOR REDRESS OF THE ABOVE GRIEVANCES BUT JUDGE HILL COVERED UP FOR THE DISTRICT COURT BY HIDING BEHIND THE EXCUSES THAT OUR PLEADING "WAS NOT TIMELY" AND --- "WAS ALMOST UNINTELLIGIBLE"

9. EMPLOYMENT DISCHARGE. "WHERE EMPLOYMENT DISCHARGE DEPRIVES EMPLOYEE OF INTEREST IN LIBERTY BECAUSE DISCHARGE IMPOSES UPON EMPLOYEE STIGMA WHICH FORECLOSES FUTURE EMPLOYMENT OPPORTUNITIES ,EMPLOYEE,TO MEET DUE PROCESS,MUST BE ACCORDED HEARING WITH SOME MEASURE OF PROCEDURAL DUE PROCESS" U.S.C.A. CONST.AMENDS.5-14-GIORDANO V.ROUDEBUSH (D.C.IOWA 1977) 448 F.SUPP.899.

A PERSON EMPLOYED BY THE SAME SCHOOL BOARD FOR 30 YEARS IS NOT AFFORDED DUE PROCESS WITH A ONE SENTENCE LETTER ADVISING HIM"YOUR "EMPLOYMENT CONTRACT" HAS NOT BEEN RENEWED FOR SCHOOL YEAR 1975-1976" A TEACHER IS EMPLOYED ONLY BY AN "EMPLOYMENT CONTRACT" AND WHEN --- SAID SCHOOL BOARD VOTES IN APRIL NOT TO RENEW THAT "EMPLOYMENT CONTRACT" FOR THE ENSUING SCHOOL YEAR THAT NON-RENEWED "EMPLOYMENT CONTRACT" TERMINATES THE EMPLOYMENT OF SAID TEACHER. SO IT WAS DONE.

IT IS SAD THAT JUDGE HILL DENIED US A RULING ON THIS ISSUE ON HIS ASSERTED GROUNDS THAT OUR PLEADINGS WERE "NOT TIMELY" AND"WERE ALMOST UNINTELLIGIBLE"

"DUE PROCESS CLAUSE APPLIES TO TERMINATION OF EMPLOYMENT CONTRACTS SINCE THEY ARE STATUTORILY CREATED PROPERTY INTEREST WITHIN THE MEANINGOF THE FIFTH AND FOURTEENTH AMENDMENTS"U.S.C.A.CONST. AMENDS.5-14- DRUMRIGHT V.PADZIESKI (D.C.MICH.1977) 436 F.SUPP.10. A ONE SENTENCE LETTER TERMINATING A PERSON"EMPLOYMENT CONTRACT" IN NO WAY AFFORDS THAT DEFRAUDED PERSON DUE PROCESS OF LAW.

10. "ALTHOUGH EMPLOYER MAY BE ENTITLED TO DISCHARGE EMPLOYEE FOR ANY REASON,DUE PROCESS REQUIRES HEARING WHERE EMPLOYER STIG-- MATIZES PERSON AS MENTALLY ILL,FRAUDULENT,OR UNTRUTHFUL." SEE,U.S.C. A CONST. AMEND.14- OSMER V.MOILES (D.C.MICH.1975) 409 F.SUPP.675.

WELL,DEFENDANT ABERNATHY CLAIMED PUBLICLY THAT THIS 30 YEAR VETERAN EMPLOYEE OF THE TROUP CO.BD.OF ED. WAS MENTALLY ILL,DIS-HONEST,NOT RELIABLE,AND A FRAUDULENT CHARACTER.

DEFENDANT ABERNATHY AND HIS LAWYER,DEFENDANT LEWIS,CLAIMS THAT EVIDENCE WAS DEDUCED BEFORE THE COMMISSION THAT SHOWED THIS - PARTY WAS MENTALLY ILL AND FOR THAT REASON THE BOARD HAD A RIGHT TO FIRE HIM.

DEFENDANT ABERNATHY RELEASED THE LIE TO THE NEWS PAPERS -- THAT THIS PARTY WAS CONVICTED AS A "LIAR UNDER OATH"FOR DENYING -- THAT HIS SIGNATURES APPEARED ON SPECIFIC EXHIBITS AND DOCUMENTS AND THE HEARING RECORD CLEARLY REVEALS THAT THIS PARTY WAS NOT CONFRON-ED ON CROSS-EXAMINATION REVELANT TO "ABERNATHY'S SPECIFIC EXHIBITS" DEFENDANT ABERNATHY'S LIES RELEASED TO THE NEWS MEDIA VERY EFFEC-TIVELY CLOSED THE JOB MARKET TO THIS PRO SE SINCE 1976.

NEVERTHELESS,JUDGE VINING ENTERED AN ORDER ON OCTOBER 2, 1980 JUDGING US GUILTY OF CONTEMPT WITHOUT A TRIAL AND IN SAID OR-DER HE EXPRESSED THE OPINION THAT ABERNATHY AND HIS "PLAYMATES" NEEDED PROTECTION FROM BEING SUED BY THIS PRO SE AND SO JUDGE VINING ORDERED THAT NEITHER ABERNATHY OR ANY OTHER DEFENDANT WOULD ANSWER A SUIT FOR FALSE CONTEMPT CHARGES FILED BY US UNLESS SAID COMPLAINT WAS ACCOMPANIED BY AN ORDER FROM HIS COURT DEMANDING THAT DEFENDANT ABERNATHY AND OTHER DEFENDANTS ANSWER SAID COMPLAINT. SUCH MISCON-DUCT SHOWS COLLUSION,CONSPIRACY.WRONG USE OF FEDERAL POWER AND A DISHONEST FEDERAL JUDGE.

ADDENDUM

THE COURT ISSUED A SHOW CAUSE order WHY I SHOULD NOT BE JUDGED IN CONTEMPT OF FEDERAL COURT ON MOTION BY DEFENDANTS IN CASE NO.C79-106N ON AUGUST 7,1980.

2.

THE COURT HAS IGNORED FOUR (4) PRO SE MOTIONS SEEKING A SHOW CAUSE TRIAL WITH OR WITHOUT COURT APPOINTED COUNSEL SINCE AUGUST 7,1980.

3.

I UNDERSTAND THAT: "JUDGMENT OF CIVIL CONTEMPT,BEING REMEDIAL IN NATURE STANDS OR FALLS WITH VALIDITY OR INVALIDITY OF ORDER CHALLENGED (C79-106-N) ,AND OPPOSING PARTY SHOULD BE COMPENSATED IF HE WAS ENTITLED TO THE ORDER." SEE, LEWIS V.S.S.BAUNE (C.A.LA.1976) 534 F.2D 115.

4.

SO,LET US REVIEW THE ORDER (C79-106-N) THAT I MUST INVALIDATE TO SHOW THAT I WAS ENTITLED TO THE JUDGMENT FOR ORDER NO.C79-106-N AND THAT I HAVE NOT VIOLATED A VALID SUPPRESSION ORDER WHICH WAS TACKED ON TO DISMISSAL OF THE ORDER FOR NO.C79-106-N. THAT SUPPRESSION ORDER WAS CALLED AN "INJUNCTIVE CLAUSE",BUT IT IN NO WAY COMPLIED WITH FED R CIV P RULE 65(d) REVELANT TO AN INJUNCTION BEING A SEPARATE JUDGMENT BASED ON SWORN TESTIMONY OR RESULTS OF A HEARING.

5.

C.A.NO.79-106-N NAMES NINE (9) DEFENDANTS WITH ME AS THE PLAINTIFF,PRO SE. IT WAS FILED ON DECEMBER 3,1979.

6.

WHAT BROUGHT ON CASE NO.C79-106-N? WELL,I HAD OPPOSED THE SAME DEFENDANTS AS A PRO SE IN CASES NOS.C78-31-N AND C78-47-N,BOTH UNDER JURISDICTION OF JUDGE ALBERT HENDERSON.

7.

JUDGE HENDERSON CONSPIRED WITH THE DEFENDANTS TO CONTROL THOSE TWO JUDGMENTS BY MEANS OF A FRAUDULENT PROTECTIVE ORDER. See, Exhs. 3 and 4

8.

THE JUDGE PERMITTED THE DEFENDANTS TO DRAFT A FRAUDULENT PROTECTIVE ORDER (P.O.) DESIGNED TO DENY MY RIGHT OF ACCESS TO 127 EXHIBITS - WHICH THEY HAD PREVIOUSLY UTILIZED AGAINST ME CLAIMING THAT ALL 127 BEARED MY SIGNATURES AND THEY FALSELY STATED THAT "MY ATTORNEY"AGREED TO THE PROVISIONS OF THEIR FRAUDULENT P.O. no 3 and 4

9.

NO ATTORNEY REPRESENTED THIS PARTY WITH CASES NOS.C78-31-N & C78-47-N.THEREFORE,WHEN HENDERSON SIGNED THAT FRAUDULENT P.O. HE DID SO KNOWING THAT IT WAS A LIE AND THAT HIS SIGNATURE ON THAT LIE MADE HIM GUILTY OF CONSPIRING WITH THE DEFENDANTS.

10.

JUDGE HENDERSON QUASHED ALL OF MY SUBPOENAES TO TAKE DEPOSITIONS AND TO CALL WITNESSES.

THEREFORE, JUDGE HENDERSON FORCED ME TO "TRIAL" WITH CASES NOS. C78-31-N & C78-47-N WITHOUT ANY DISCOVERY RIGHTS, WITHOUT HAVING TAKEN ANY DEPOSITIONS AND WITH NO WITNESSES TO TESTIFY. YOU KNOW, OF --- COURSE, THE RESULTS OF THAT TRAVESTY ON JUSTICE CALLED A "TRIAL."

12.

SO, SINCE HENDERSON STOLE THE JUDGMENTS FOR CASES NO. C78-31-N & C 78-47-N, I SIMPLY FILED CASE NO. C79-106-N AND MADE HIS MISCONDUCT WITH THE DEFENDANTS CLAIMS ON WHICH RELIEF COULD BE GROUNDED.

13.

I CLAIMED IN CASE NO. C79-106-N THAT A CONSPIRACY BETWEEN HENDERSON AND THE DEFENDANTS PRODUCED A FRAUDULENT P.O. DESIGNED TO CONTROL THE JUDGMENTS FOR CASES NOS. C78-31-N & C78-47-N.

14.

I ALSO CLAIMED IN CASE NO. C79-106-N THAT MY SIXTH AMENDMENT RIGHTS OF COMPULSORY PROCESS-TO CALL WITNESSES WAS DENIED BY HENDERSON.

15.

I FURTHER DEMANDED IN CASE NO. C79-106-N THAT THE DEFENDANTS BE FORCED TO PRODUCE THE ATTORNEY WHICH THEY AND THE PREVIOUS COURT -- CLAIMED REPRESENTED ME WITH CASES NOS. C78-31-N & C78-47-N.

16.

JUDGE G. ERNEST TIDWELL HAD JURISDICTION OVER CASE NO. C79-106-N, WHICH WAS FILED ON DECEMBER 3, 1979.

17.

I RECEIVED ON FEBRUARY 18, 1980 AN UNDATED ORDER FROM TIDWELL'S COURT REQUIRING THE DEFENDANTS TO MAKE ME AN OFFER OF CONSENT JUDGMENT REVELANT TO CASE NO. C79-106-N.

18.

I FILED A MOTION ASKING TIDWELL TO DATE HIS ORDER REQUIRING THE CONSENT JUDGMENT BECAUSE IT HAD A 90 DAY LIMITATION ON IT.

19.

JUDGE TIDWELL DATED THE CONSENT JUDGMENT ORDER ON MARCH 5, 1980 Exhibit no # 5 AND SENT COPIES TO ALL PARTIES REVELANT TO CASE NO. C79-106-N.

20.

I TRIED TO SET UP A CONFERENCE WITH COUNSEL FOR THE DEFENDANTS, BUT THEY REFUSED TO MEET AS ORDERED BY THE COURT.

21.

THE UNDATED ORDER FOR CONSENT JUDGMENT CAUSED ME TO BELIEVE THAT CASE NO. C79-106-N STATED A VALID CLAIM AND THAT THE ACTION WOULD NOT BE DISMISSED. UNDATED CONSENT ORDER RECEIVED ON FEBRUARY 18, 1980.

22.

THEREFORE, BASED ON THE CONSENT ORDER, I FILED ON MARCH 4, 1980 A MOTION, WITH AFFIDAVIT, FOR SUMMARY JUDGMENT REVELANT TO CASE NO. C79-106-N. ON MARCH 5, 1980, CONSENT ORDER WAS DATED AND MAILED TO ALL -- PARTIES. Exhibit no. 5

SOME OF THE DEFENDANTS HAD RESPONDED TO MY SUMMARY JUDGMENT MOTION BY MARCH 13,1980 ,IN WHICH THEY STATED THEY COULD NOT,AS REQUIRED,CONTROVERT THAT MOTION AND SUPPORTING AFFIDAVIT.

24.

SO,BASED ON THOSE RESPONSES RECEIVED BY ME BY MARCH 13,1980,WHICH WAS ONLY NINE (9) DAYS AFTER IT WAS SERVED ON MARCH 4,1980,I FILED A MOTION FOR JUDGMENT AGAINST ALL NINE (9) DEFENDANTS ON THE LEGAL THEORY THAT IN A CONSPIRACY IF ONE IS GUILTY SO ARE THE OTHERS IN MOST CASES.

25.

JUDGE TIDWELL DISMISSED CASE NO.C79-106-N ON MARCH 20,1980 WHEN FOUR (4) DEFENDANTS HAD NOT RESPONDED TO OUR SUMMARY JUDGMENT MOTION. THOSE FOUR NEVER DID RESPOND.

26.

JUDGE TIDWELL DID NOT ADJUDICATE OUR CLAIM REVELANT TO SUMMARY -- JUDGMENT,AND IN FACT,NEVER MENTIONED IT IN HIS DISMISSAL ORDER FOR C C79-106-N.

27.

JUDGE TIDWELL DID NOT ADJUDICATE OUR MOTION FOR JUDGMENT AGAINST ALL NINE (9) DEFENDANT WHICH WE FILED ON MARCH 13,1980.

28.

JUDGE TIDWELL DID NOT ALTER OR VACATE HIS CONSENT JUDGMENT ORDER ISSSUED ON MARCH 5,1980 IN HIS DISMISSAL ORDER ON MARCH 20,1980.

29.

JUDGE TIDWELL DID NOT ADJUDICATE OUR CLAIM THAT HENDERSON STOLE TWO (2) CASES WITH A FRAUDULENT P.O. IN FACT,HE IGNORED THAT CLAIM AND THE SUPPORTING "ATTACHED EVIDENCE"

30.

JUDGE TIDWELL'S DISMISSAL ORDER FOR CASE NO.C79-106-N DID NOT -- ADJUDICATE OR EVEN MENTION THAT HENDERSON VIOLATED OUR SIXTH AMENDMENT RIGHTS TO CALL WITNESSES.

31.

JUDGE TIDWELL'S DISMISSAL ORDER DID NOT ADJUDICATE OR DID NOT --- EVEN MENTION OUR CLAIM THAT HENDERSON DENIED US A FAIR TRIAL BY --- DENYING US PRE-TRIAL DISCOVERY AND DEPOSITION RIGHTS.

32.

JUDGE TIDWELL'S DISMISSED C.A.NO.79-106-N ON MARCH 20,1980 ON THE FALSE GROUNDS THAT SAID ACTION WAS BASED ON CLAIMS ADJUDICATED IN CASES NOS.C78-31-N & C78-47-N AND WAS THEREFORE BLOCKED BY THE --- DOCTRINE OF RES JUDICATA.

33.

JUDGE TIDWELL ORDERED ALL CLAIMS SET FORTH IN C.A.NO.79-106-N BE SUPPRESSED AND NEVER AGAIN MADE THE SUBJECT MATTER OF A LAWSUIT -- AGAINST THE SAME DEFENDANTS.SO,THE DISHONEST JUDGE DID NOT ADJUDICATE

ANY EVIDENCE REVELANT TO JUDGE HENDERSON'S CONSPIRACY WITH THE DEFENDANTS AND ON TOP OF THAT CONSPIRACY RULING HE ORDERED SAID EVIDENCE "FOREVER SUPPRESSED" AND CALLED SAID ORDER AND "INJUNCTION"

34.

I IGNORED HIS SUPPRESSION ORDER AND TRIED TO CLAIM MY LEGAL RIGHT TO EITHER SUMMARY JUDGMENT OR CONSENT JUDGMENT FOR CASE NO.C79-106-N IN COMPLAINT NO.C80-1236-A.

35.

THE COURT FIRST ADVISED THAT I HAD THE RIGHT TO PROCEED WITH CASE NO.C80-1236-A BEFORE EITHER A U.S.MAGISTRATE OR FEDERAL JUDGE. Exhibit #9

36.

C.A.NO.80-1236-A WAS NOT EVER SERVED ON A NAMED DEFENDANT BY THE U.S.MARSHAL.

37.

A WEEK AFTER THE FACT STATED IN PARAGRAPH NO.35 THE COURT HAD ACCEPTED A SECRETLY SUBMITTED EX PARTE MOTION WHICH IT HAD SOLICITED TO QUASH SERVICE ON CASE NO.C80-1236-N. NOW,THE COURT FALSELY CLAIMED THAT OUR FILING FEE CHECK Exh #6 WAS NOT PAID BY THE BANK AND THAT CASE NO.C80-1236-A COULD NOT BE FILED. "COULD NOT BE FILED?" READ PARAGRAPH NO.35 ABOVE AGAIN,PLEASE.

38.

SO,I CAN READILY "SHOW CAUSE"WHY THE DISMISSAL ORDER FOR C.A.NO. 79-106-N IS NOT A VALID ORDER AND BY SO SHOWING I ALSO SHOW THAT I WAS MORE THAN ENTITLED TO THE JUDGMENTS FOR C.A.NO.78-31-N,C.A.NO.78-47-N,C.A.NO.79-106-N AND C.A.NO.C80-1236-A.

39.

ONE MORE FACT WHICH MAKES TIDWELL'S DISMISSAL ORDER FOR C.A.NO.79-106-N EASILY TO INVALIDATE IS THE FACT THAT HE ORDERED US TO PAY THE ATTORNEY'S FEES FOR THE NINE (9) DEFENDANTS ON HIS STATED GROUND THAT WE HAD NOT SUBMITTED TO HIS COURT ANY MITIGATING CIRCUMSTANCES WHICH SHOWED THAT WE COULD NOT,BUT WE HAD PRESENTED TO HIS COURT MEDICAL EVIDENCE THAT WE WERE TOTALLY DISABLED AND THAT OUR INCOME WAS DERIVED FROM SOCIAL SECURITY DISABILITY INSURANCE.

40.

SO,I NEED A LAWYER WHO IS WILLING TO PRESSURE THE COURT INTO -- SETTING THE AUGUST 7,1980 SHOW CAUSE ORDER FOR TRIAL WITH THE UNDERSTANDING THAT THE COURT WILL NEVER PERMIT ME TO PUBLICLY TESTIFY REVELANT TO THIS MATTER BECAUSE MY EVIDENCE DISCREDITS FOUR (4) FEDERAL JUDGES,BUT IF A LAWYER WILL STAY WITH HIS MOTIONS HE WILL NO DOUBT BE REWARDED WITH AN ORDER TO SETTLE THE MATTER OUT OF COURT JUST -- LIKE JUDGE TIDWELL ORIGINALLY ORDERED BEFORE HE WAS BOUGHT.

41.

I AM WELL AWARE OF THE FACT THAT THE DEFENDANTS MUST SHOW THAT JUDGE TIDWELL'S DISMISSAL ORDER FOR CASE NO.C79-106-N IS VALID IF THEY ARE TO PREVAIL WITH THEIR CONTEMPT CHARGES PENDING AGAINST ME.

Exh. B-1

AT ANY RATE,THE DEFENDANTS IN CASE NO.C79-106-N FILED A MOTION CITING US FOR CIVIL CONTEMPT FOR HAVING VIOLATED THE SUPPRESSION ORDER TACKED ONTO THE DISMISSAL ORDER FOR CASE NO.C79-106-N WHEN WE FILED ,OR TRIED TO FILE,CASE NO.C80-1236-A.

43.

JUDGE TIDWELL ISSUED THE SHOW CAUSE ORDER (Exhibit B-1) ON AUGUST 7,1980. HE THEN DISQUALIFIED HIMSELF FROM HEARING THE ALLEGED CONTEMPT CHARGES. HE ASSIGNED THE MATTER TO THE COURT OF JUDGE ROBERT L.VINING,JR.

Exhibit # A

44.

JUDGE VINING FALSELY CERTIFIED (Exh. # B) TO THE FIFTH CIRCUIT COURT OF APPEALS THAT WE HAD FAILED TO APPEAR FOR A CONTEMPT TRIAL AS ORDER ON SEPTEMBER 3,1980,BUT I HAVE AN ORDER (A) SIGNED BY VINING (Exh. A) CANCELLING THAT SCHEDULED TRIAL DATE. THEREFORE,I WOULD EXPECT A LAWYER TO SEEK TO DISQUALIFY VINING ON THE GROUND THAT HIS PERJURY ALLEGED THAT THE DEFENDANTS APPEARED FOR TRIAL ON SEPTEMBER 3,1980,BUT THAT THIS PRO SE DID NOT.

45.

NO COURT IS NOW GOING TO AFFORD ME A CONTEMPT TRIAL AND GIVE ME THE OPPORTUNITY TO DISCREDIT JUDGE VINING AS A LIAR FOR BENEFIT OF THE DEFENDANTS.THEREFORE,IF AN ATTORNEY IS WILLING TO STAY WITH THIS THIS MATTER OF MY RIGHT TO A "SHOW CAUSE CONTEMPT TRIAL"HE WILL BE REWARDED WITH AN ORDER FROM THE COURT TO SETTLE THIS MATTER OUT OF COURT.

46.

JUDGE MARVIN SHOOB CONSPIRED (→ See, 2nd page of #7) WITH ONE DEFENDANT NAMED IN CASE NO. C80-1236-A TO GET THAT CASE QUASHED.SO,WE HAVE JUDGES HENDERSON,TIDWELL,VINING AND SHOOB WHOM I CAN DISCREDIT WITH "PAPER EVIDENCE"AND FOR THAT REASON LAWYER AFTER LAWYER HAS TOLD ME THAT THIS MATTER OF MY RIGHT TO A "SHOW CAUSE TRIAL"WILL NEVER BE AFFORDED,BUT WILL BE CONCLUDED BY THE COURT ORDERING AN OUT OF COURT SETTLEMENT.

47.

NOW,REVELANT TO THE FEE OF MY ATTORNEY,PLEASE BE ADVISED THAT IN VIEW OF THE FACT THAT THE COURT WITH CASE NO.C79-106-N ORDERED ME TO PAY ATTORNEY'S FEES FOR NINE (9) DEFENDANTS THE GA.LAWYERS REFERRAL SERVICE ADVISES ME THAT AN ATTORNEY REPRESENTING ME CAN GET HIS FEE FROM THE NINE (9) DEFENDANTS.

48.

PERHAPHS I SHOULD ALSO STATE THAT JUDGE VINING ALSO FALSELY CERTIFIED TO THE FIFTH CIRCUIT COURT OF APPEALS THAT I HAD FILED A MOTION TO DISMISS THE SHOW CAUSE ORDER WHY I SHOULD NOT BE JUDGED IN CONTEMPT OF FEDERAL COURT.I FILED NO SUCH MOTION.I DID FILE FOUR MOTION ASKING FOR A SHOW CAUSE TRIAL. SINCE VINING CANNOT PRODUCE A MOTION FILED BY US TRYING TO DISMISS SHOW CAUSE ORDER DOES HE NOW LET US TAKE THE WITNESS STAND IN A CONTEMPT TRIAL AND PROVED THAT HE LIED TWICE TO THE FIFTH CIRCUIT? NO WAY!

AT ANY RATE,BOTH THE FIFTH AND JUDGE VINING RULED THAT A SHOW CAUSE ORDER COULD NOT BE DISMISSED BY MOTION. SO,IF THE SHOW CAUSE ORDER CANNOT BE DISMISSED THEN I AM ENTITLED TO A SHOW CAUSE TRIAL.

50.

THE DEFENDANTS FILED A MOTION ON OCTOBER 15,1980 SEEKING TO DISMISS THEIR COURT GRANTED SHOW CAUSE ORDER,BUT SINCE BOTH VINING AND THE FIFTH CIRCUIT HAD PREVIOUSLY RULED THAT A MOTION COULD NOT DISMISS A SHOW CAUSE ORDER VINING NEVER ENTERED A RULING ON THEIR MOTION.

52.

I FILED A MOTION OPPOSING THEIR RIGHT TO DISMISS ON THE GROUND THAT FED R CIV P RULE 41(a)(2) PROHIBITS A VOLUNTARILY DISMISSAL IF SAID MOTION HAS BEEN ANSWERED AND I HAD ANSWERED THE SHOW CAUSE ORDER FOUR (4) TIMES BY ASKING FOR A TRIAL.THE COURT NEVER ENTERED AN ORDER ON THEIR MOTION OF OCTOBER 15,1980 TO DISMISS THE SHOW CAUSE ORDER ISSUED AGAINST ME ON AUGUST 7,1980.

53.

MY EVIDENCE REVELANT TO THIS MATTER CONVICTS FOUR (4) FEDERAL JUDGES ON THE CHARGE OF MALFEASANCE IN OFFICE IF IT EVER WENT TO TRIAL-WHICH IS THE REASON IT NEVER WILL GO TO TRIAL.

54.

WHEREFORE,BOTH JUDGE VINING AND THE FIFTH CIRCUIT HAVING RULED - THAT THE SHOW CAUSE ORDER CANNOT BE DISMISSED ON MOTION,I AM ENTITLED TO A TRIAL.WHEN THE GOVERNMENT BACKS OFF FROM TRYING A PARTY - WHICH IT HAS CITED FOR ALLEGEDLY VIOLATING A FEDERAL STATUTE THE -- REASON FOR "THE BACK OFF"IS THAT THAT THE GOVERNMENT KNOWS THAT IT DOES NOT HAVE A CASE AND CANNOT GET A CONVICTION,ACCORDING TO MY LAWYER FRIENDS.

55.

WHEREFORE,PLEASED BE ADVISED THAT THIS WILL BE A "DIRTY CASE"AND I EXPECT TO BE ACCUSED OF EVERY ADVERSE ACT KNOWN TO AN UNDESIRE---- ABLE CITIZEN.

56.

WHEREFORE,FEDERAL STATUTE 18 USC # 401-HOLDS THAT :"IN CIVIL CONTEMPT PROCEEDING AGGRIEVED PARTY INSTITUTES AND CONTROLS LITIGATION WHILE COURT INITIATES CRIMINAL CONTEMPT PROCEEDING",WE ADVISED THE DEFENDANTS IF THEY DID NOT MOVE THE COURT TO TRY THEIR CONTEMPT CHARGES AGAINST US THAT WE WERE GOING TO FILE SUIT FOR THEIR INITIATING FRAUDULENT CHARGES AGAINST US.SEE,LA.ED.ASS'N V.RICHLAND PARISH SCHOOL BD.,(D.C.LA.1976) 421 F.SUPP.973.

57.

WHEREFORE,THAT MOTION BROUGHT FROM THE COURT AN ORDER ON OCTOBER 2,1980 RULING THAT THE DEFENDANTS DID NOT HAVE TO MOVE THE COURT TO TRY US ON THEIR INSTITUTED CONTEMPT CHARGES AND DID NOT HAVE TO ANSWER A COMPLAINT FILED BY US AGAINST THEM ALLEGING FALSE CHARGES

HAD BEEN FILED AGAINST US BY THE DEFENDANTS. I BELIEVE THAT IT IS CORRECT TO SAY THAT WITH THAT ORDER JUDGE VINING PROVED BEYOND A REASONABLE DOUBT THAT HE WAS MISUSING FEDERAL POWER TO PROTECT THE DEFENDANTS FROM BEING PROSECUTED ON A FALSE CHARGE ALLEGATION. IT IS REPEATEDLY POINTED OUT TO ME THAT VINING CONSPIRED WITH THE DEFENDANTS NOT TO AFFORD ME A CONTEMPT TRIAL AND NOT TO LET ME SUE THEM FOR NOT MOVING THE COURT TO TRY ME.

58.

WHEREFORE,THE FIRST ORDER OF BUSINESS WHEN A LAWYER FILES A MOTION SEEKING TO FORCE THE COURT TO SET THE PENDING CONTEMPT CHARGES FOR A TRIAL DATE IS TO ALSO FILE AN AFFIDAVIT AND CERTIFICATE OF GOOD FAITH TO DISQUALIFY JUDGE ROBERT L.VINING,JR.

59.

WHEREFORE,YOU SHOULD BE ADVISED THAT JUDGE VINING "BEMOANED" THAT HIS COURT LACKED THE POWER TO PUNISH ME FOR WHAT HE DESCRIBED AS AN ACT"VIOLATING A LAWFUL ACT OF THIS COURT" WHICH WAS A REFERENCE TO THE SUPPRESSION ORDER TACKED ON TO JUDGE TIDWELL'S DISMISSAL ORDER FOR CASE NO.C79-106-N-WHICH TIDWELL DEFINED AS AN "INJUNCTION"

60.

WHEREFORE,EVIDENCE PROVES THAT BY CONDUCT CONSTITUTING MALFEASANCE IN OFFICE HENDERSON STOLE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N; TIDWELL STOLE JUDGMENT FOR CASE NO.C79-106-N; SHOOB STOLE JUDGMENT FOR CASE NO.C80-1236-A,AND THEN THEY ALL PUT VINING IN -- CHARGE TO PREVENT US FROM SHOWING VIA A CONTEMPT TRIAL THAT THEY DID CONSPIRE TO STEAL THOSE CITED JUDGMENTS.

61.

WHEREFORE,NO LAWYER REPRESENTING US SHOULD EVER EXPECT HIS MOTION SEEKING A CONTEMPT TRIAL DATE TO BRING FORTH FROM THE COURT ANY -- SUCH REQUEST.BUT HE SHOULD EXPECT AN ORDER REQUIRING THE MATTER TO BE SETTLED OUT OF COURT UNLESS YOU THINK THE COURT IS STUPID ENOUGH TO LET ME PUBLICLY TESTIFY AND DISCREDIT FOUR FEDERAL JUDGES.

62.

Cpt. no 4 Cpt. no 3

WHEREFORE, I HAVE A SIGNED AND AN UNSIGNED COPY OF HENDERSON'S FRAUDULENT PROTECTIVE ORDER FALSELY STATING THAT AN ATTORNEY DID REPRESENT US WITH CASES NO.C78-31-N AND C78-47-N. THE DEFENDANTS DRAFTED THE UNSIGNED COPY AND SUBMITTED IT TO HENDERSON FOR HIS SIGNATURE AND HE NEVER EDITED IT,BUT SIMPLY SIGNED IT.HIS SIGNATURE ON THAT FRAUDULENT P.O. READ FROM A WITNESS STAND IMPEACHES HENDERSON FROM THE FEDERAL BENCH. y y xx

63.

WHEREFORE,YOU MUST UNDERSTAND THAT LOCAL RULE # 71.62 REQUIRES AN ATTORNEY ENTERING A CASE TO FILE WITH THE CLERK "NOTICE OF APPEARANCE" SIGNED BY THE ATTORNEY AND CLIENT AND I DID NOT SIGN ANY "NOTICE OF APPEARANCE"CERTIFICATE FOR AN ATTORNEY TO REPRESENT ME WHILE THIS MATTER WAS IN HENDERSON'S COURT.

WHEREFORE, YOU SHOULD UNDERSTAND THAT LOCAL RULE # 71.64 PROHIBITS A PARTY ONCE REPRESENTED BY LEGAL COUNSEL REVELANT TO A CASE TO -- REPRESENT HIMSELF/HERSELF AT TRIAL WITH THAT SAME ACTION.

65.

WHEREFORE, YOU MUST BE INFORMED THAT AT "TRIAL" FOR CASES NOS.C 78-31-N & C78-47-N I ADVISED HENDERSON-THAT LOCAL RULE # 71.64 AND THE PROTECTIVE ORDER PROHIBITED ME FROM PRESENTING MY CASE BECAUSE I TOLD HIM, THAT P.O.ORDER FALSELY STATED THAT AN ATTORNEY HAD APPEARED IN HIS CHAMBERS TO REPRESENT ME REVELANT TO THOSE TWO CASES. "GET ON WITH YOUR CASE BEFORE I GRANT DEFAULT TO THE DEFENDANTS", HE SHOUTED.

66.

WHEREFORE, PLEASE BE FURTHER INFORMED THAT I PROTESTED, "I CAN'T PRESENT MY CASE BECAUSE YOU QUASHED MY SUBPOENAED WITNESSES." "GET ON WITH IT, MR PATTERSON", HE SHOUTED.

67.

WHEREFORE, YOU ARE FURTHER INFORMED THAT I PROTESTED, "YOU DID'NT PERMIT ME DISCOVERY AND DEPOSITION RIGHTS AND THEREFORE I HAVE NO EVIDENCE TO PRESENT." "MR. PATTERSON," HE SHOUTED, "ONE MORE NEGATIVE REMARK AND THIS "TRIAL" WILL BE CONCLUDED". SUCH WERE THE FACTS IN HENDERSON'S COURT ON NOVEMBER 20, 1978.

68.

WHEREFORE, PLEASE BE ADVISED THAT WHEN TIDWELL FALSELY RULED THAT C.A.NO.C79-106-N WAS BASED ON CLAIMS ADJUDICATED IN HENDERSON'S COURT AND WAS THEREFORE BLOCKED BY THE DOCTRINE OF RES JUDICATA, HE WAS CONSPIRING TO COVER UP FOR HENDERSON AND THE DEFENDANTS.

x x x x x x

69.

WHEREFORE, BASED ON EVIDENCE SHOWING MALFEASANCE IN OFFICE OF -- HENDERSON, TIDWELL, SHOOB AND VINING, WE BOTH KNOW THAT MY SIXTH AMENDMENT RIGHT TO A PUBLIC TRIAL ON THE PENDING CONTEMPT CHARGES WILL NEVER BE AFFORDED.

70.

WHEREFORE, IF AN ATTORNEY IS WILLING TO PRESSURE THE COURT FOR A CONTEMPT TRIAL DATE HE WILL BE GRANTED A COURT ORDER REQUIRING THE MATTER TO BE SETTLED OUT OF COURT.

James E. Patterson

JAMES E. PATTERSON
1004 VERNON STREET
LAGRANGE, GEORGIA 30240

DATED: 2/20/81.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E.PATTERSON
PLAINTIFF,PRO SE

V.

HANS J.SCHACHT,ET AL.

CASE NO.C78-31-N

JAMES E.PATTERSON
PLAINTIFF,PRO SE

V.

OTIS J.ABERNATHY &
KENNETH L.GORDON

CASE NO.C78-47-N

EXHIBIT SC-1
Please note Date.

PLAINTIFF REFUSES TO SUBMIT A FURTHER BRIEF

THE COURT HAVING REQUESTED AT THE SO CALLED TRIAL FOR THE ABOVE-ENTITLED CASES ON NOVEMBER 20,1978 THAT FINAL BRIEFS BE SERVED ON OR BY NOVEMBER 25,1980 THE PLAINTIFF,PRO SE DECLINES TO COMPLY WITH SAID REQUEST FOR THE FOLLOWING REASONS.

2.

THE COURT HAS ALREADY GRANTED THE DEFENDANTS THE JUDGMENTS FOR BOTH CASES WHEN THE COURT PERMITTED THE DEFENDANTS TO ENTER A FRAUDULENT PROTECTIVE ORDER (P.O.) DESIGNED TO DENY ALL OF MY DISCOVERY RIGHTS WITH CASES IN WHICH ALL EVIDENCE CITED AGAINST ME BY THE GA. PROFESSIONAL PRACTICES COMMISSION (COMMISSION) CAME FROM 127 EXHIBITS WHICH THE COMMISSION CLAIMS BEARS MY SIGNATURES,BUT THE COMMISSION'S HEARING RECORD REVELANT TO THIS MATTER REVEALS THAT I WAS NOT CONFRONTED ON CROSS-EXAMINATION RESPECTIVE TO MY ALLEGED SIGNATURES ON THOSE CITED 127 EXHIBITS.

3.

THE P.O.ORDER CITED ABOVE IN PARAGRAPH NO.2 FALSELY STATES THAT AN ATTORNEY REPRESENTED THIS "PLAINTIFF,PRO SE" AT A DISCOVERY CONFERENCE IN THE COURT'S CHAMBERS ON JULY 26,1978,BUT THE JUDGE KNEW WHEN HE SIGNED THAT FRAUDULENT P.O. THAT NO ATTORNEY REPRESENTED US IN ANY SUCH DISCOVERY CONFERENCE AND THAT THIS PRO SE DID NOT ATTEND ANY SUCH DISCOVERY CONFERENCE AS THAT ALLUDED TO BY THE FRAUDULENT P.O.CONTRARY TO WHAT THE P.O.STATES THEIR CAN BE NO "PLAINTIFF,PRO SE"REPRESENTED BY LEGAL COUNSEL.

4.

THE COURT CONSPIRED WITH THE DEFENDANTS TO DENY MY RIGHT OF COMPULSORY PROCESS TO SUBPOENA THE COMMISSION HEARING PANEL THAT HEARD

THIS MATTER IN A PUBLIC TRIAL ON JULY 16,1976 SO THAT I COULD -- HAVE PROVEN BY THEIR TESTIMONY THAT THE COMMISSION'S TRANSCRIPT OF THIS MATTER IS NOT THAT OF THE PUBLIC HEARING.

5.

THE COURT CONSPIRED WITH THE DEFENDANTS TO PREVENT ME FROM TAKING DEPOSITIONS FROM THEM AND THE COMMISSION HEARING PANEL FOR THIS CASE.

6.

THE COURT DENIED ME DUE PROCESS AT THE SO CALLED TRIAL BY RULING THAT I COULD NOT UTILIZE THE COMMISSION'S COPY OF THE HEARING RECORD REVELANT TO THIS MATTER SO THAT I COULD SHOW THAT THE COMMISSION DENIED ME THE DUE PROCESS RIGHT OF CONFRONTATION ON CROSS-EXAMINATION RESPECTIVE TO THE EXHIBITS WHICH THE COMMISSION HAD PREVIOUSLY USED AGAINST ME ------ IN MY ABSENCE.

SC-1

7.

IT IS A TRAVESTY ON JUSTICE WHEN A FEDERAL JUDGE DISHONESTLY --- USES HIS AWESOME POWER TO SIGN AN ORDER WHICH FALSELY STATES THAT A LAWYER REPRESENTED US IN A DISCOVERY CONFERENCE IN CHAMBERS ON JULY 26,1978 WHEN THE COURT KNEW/KNOWS THAT THERE WAS NO SUCH DISCOVERY CONFERENCE AND THAT NO LAWYER REPRESENTED US WITH CASES NOS.C78-31-N AND C78-47-N. NO YOUR HONOR,I A PRO SE CANNOT WRITE A BRIEF THAT -- WILL OVER-COME SUCH A TRAVESTY ON JUSTICE AND SUCH HEINOUS MISCONDUCT BY A FEDERAL JUDGE.

8.

WHEN THE COURT SIGNED THE P.O. IN QUESTION ON AUGUST 8,1978 IT AUTOMATICALLY GRANTED THE DEFENDANTS JUDGMENTS FOR BOTH CASES NOS. C78-31-N & C78-47-N,AND YET,NO.C78-47-N HAD NOT EVEN BEEN DOCKETED ON JULY 26,1978. THE POINT HERE IS THAT THE COURT FALSELY ALLUDED TO A CONFERENCE ON JULY 26,1978 IN HIS P.O.SIGNED ON AUGUST 8,1978.

9.

SOME OF THE DEFENDANTS NEVER APPLIED FOR A PROTECTIVE ORDER,BUT THE COURT MADE THE FRAUDULENT P.O. APPLICABLE TO THEM AND SO ALL OF PRE-TRIAL DISCOVERY RIGHTS WERE DENIED BY THE COURT'S FRAUDULENT P. O.

10.

WITH CONSIDERATION GIVEN TO THE ABOVE DECLARATION OF FACTS,I AM OF THE OPINION THAT THE REASON WHY THE COURT SPENT NOVEMBER 20,1978 SHOUTING AT ME AT THE SO CALLED TRIAL WAS TO BENEFIT THE DEFENDANTS.

11.

WHEREFORE,THE COURT HAVING ALREADY GRANTED THE JUDGMENTS FOR BOTH ABOVE CAPTIONED CASES WHEN IT ENTERED THE FRAUDULENT P.O.ON AUGUST 8,1978,I KNOW THAT I CANNOT CHALLENGE A FRAUDULENT P.O. AND A DISHONEST JUDGE WITH A FINAL BRIEF AND SO FOR STATED REASONS I DECLINE

THE COURT'S REQUEST FOR A FINAL BRIEF. SC-1

12.

WHEREFORE, I AM AWARE OF THE FACT THAT THE COURT CAN CITE FOR ME FOR CONTEMPT WHETHER MY CHARGES DECLARED IN THE FOREGOING OR TRUE OR FALSE, BUT BEFORE I GO TO FEDERAL PRISON FOR CRIMINAL CONTEMPT I WILL BE AFFORDED A PUBLIC TRIAL AND AN OPPORTUNITY TO FORCE THE COURT & DEFENDANTS TO PRODUCE THE ATTORNEY WHOM THEY CLAIMED REPRESENTED THIS CHEATED PRO SE IN JUDGE ALBERT HENDERSON'S COURT REVELANT TO CASES NOS. C78-31-N & C78-47-N.

13.

THE ABOVE STATEMENTS ARE MADE AS A DECLARATION OF FACTS UNDER THE PENALTY FOR MAKING A PERJURED STATEMENT TO A FEDERAL COURT.

James E. Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

DATED: 11-21-78 ✓

BEFORE PROCEEDING FURTHER, SEE NOTICE ON REVERSE SIDE

#8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

James E. Patterson
Plaintiff

v.

Otis J. Abernathy, Ralph Johnson, et al
Defendant

DOCKET NO. C80-1236A

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE

In accordance with the provisions of 28 U.S.C. Section 636(c), the parties to the above-captioned civil matter hereby waive their right to proceed before a judge of the United States District Court and consent to have a United States Magistrate conduct any and all further proceedings in the case (including the trial) and order the entry of judgment.

James Patterson

Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. Section 636(c)(3), unless all parties further consent, by signing below, to take any appeal to a judge (1) of the District Court, in accordance with 28 U.S.C. Section 636(c)(4).

James Patterson

MR. CASTELLANI, SINCE YOU HAVE ALREADY ASSURED BOTH THE COURT AND THIS MUCH ABUSED PRO SE THAT THE ABOVE-ENTITLED ACTION WOULD BE DISMISSED BY YOUR FORTH COMING MOTION TO THAT EFFECT, I STILL OFFER YOU THE CHOICE BY SIGNING THIS DOCUMENT.

NOTE: RETURN THIS FORM TO THE CLERK OF COURT ONLY IF IT HAS BEEN EXECUTED BY ALL PARTIES TO THE CASE

Received:
7/25/80
James C. Patterson

you ruled on 8/8/80 that this case was not filed because both dispt pay check. 2-17-81

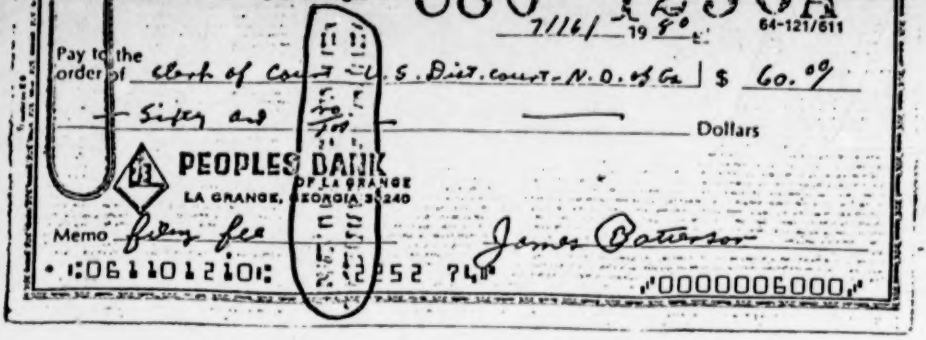
ORDER OF REFERENCE

IT IS HEREBY ORDERED that the above-captioned matter be referred to United States Magistrate _____ for the conduct of all further proceedings and the entry of judgment in accordance with 28 U.S.C. Section 636(c) and the foregoing consent of the parties.

Judge Shoob first ruled that we had the right to proceed with case no. 80-1236A, but a week later no filing fee was not paid, he said.

7/25/80
DATE

UNITED STATES DISTRICT JUDGE


7116 19 80 64-121/611

Pay to the order of Clerk of Court - U.S. Dist. court - N.D. of Ga. $ 60.00

Sixty and no/100 Dollars

PEOPLES BANK OF LA GRANGE
LA GRANGE, GEORGIA 30240

Memo filing fee James Patterson

:061101210: 252 748 "0000006000"

EXHIBIT - #7

well, Judge the check was honored and exhibit no. 7 shows that you ruled me had the right to proceed before either a U.S. magistrate or federal judge with case no. C 80-80-1236-A. so you resorted to perjury to give Hoffman time to file an ex parte motion to grant marshals service on the defendants. no one was ever under your jurisdiction because of C 80-1236-A.

federal law 636(c) and 18 USC # 401 required a trial to determine if filing C.A. 80-1236-A violated a suppression order tached on to dismissal order for C.A. 79-106 N and if I had had legal counsel you would have complied with federal law before you resorted to perjury to dismiss C.A. No. 80-1236-A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
Newnan DIVISION

ABANDONED -ON- 5/20/80

James C. Patterson)
)
Plaintiff)
)
Vs.)
)
Hans S. Schacht, et al)
)
Defendant)

5
5

CIVIL ACTION NO. 79-106N

NOW, WE HAVE 2 RULINGS OF THE COURT PER 79-106N OR NO 86. THAT THE COURT has ruled that defendants must settle with this party to each a SETTLEMENT OF CLAIMS IN C79-106N WITHIN 90 DAYS.

??

ORDER OF THE COURT

BY DIRECTION OF THE HONORABLE G. ERNEST TIDWELL

Parties are hereby directed that within 90 days of the date of this notice, but not beyond the current discovery deadline, the Court requires a status report from the attorneys for each party. See below paragraph no. 8.

The status report shall contain the following information:

1. A brief description of the type of case
2. A very brief summary of the contentions and issues involved
3. A description of any jurisdictional or venue problems
4. A list of parties that have not been served, and an explanation of why each party has not been served
5. A summary of discovery -
   (a) Completed
   (b) Contemplated
6. Whether the trial is jury or non-jury and the estimated length of trial
7. Are there any unresolved (a) existing motions (b) do the parties contemplate the filing of any additional motions, and if so, a description of same.
8. ✓ Prior to making the status report, counsel are required to hold a good-faith settlement conference (in person and with lead counsel for all parties) and the status report shall give a detailed report of said settlement conference. F.R.C.P. Rule 68

Dated this 5th day of March, 1980.

#5

Judge Tidwell ruled orders case no. C79-106-N sealed by Consent Judgment. The defendants refused to be dismissed in 1981

BEN H. CARTER, CLERK

By: Karen Gardner
Karen Gardner
Courtroom Deputy Clerk
for Judge Tidwell

#3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON, :
:
Plaintiff, : CIVIL ACTION
: FILE NO. C-78-31N
v. - :
:
HANS-J. SCHACHT, ET AL., :
:
Defendants. :

You refuse to try me for civil contempt because you don't want this fraudulent Judge spread. 5-17-81

Court "order" does not spell "ET. AL.", as this or me word "defendants" ORDER TO-SMALL-SEE-"ORDER", ON OTHERS

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se. Judge Vining, You certified that most of my PLEADINGS had merit. SO, I ask you NOW to stay the hand of my LAWYER for this case.

The Defendants voluntarily agreed to:

1. Answer the Complaint;
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

DRAFTED-BY:- Jeffery Smith, attorney for the defendants (1)
CHECK "ORDER", "V." not "VERSUS", no comma no. on paper

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that:

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;

2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;

3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and

4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

Accordingly, the Defendants are granted a Protective Order to the extent set forth above.

So ordered this the ✓ day of August, 1978.

Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

"The defendants are granted - - - -:"
"TO-THE-EXTENT:" DRAFTED-BY-SMITH and submitted to the Court. Smith was told by the Judge:" write your own Protective order and submitted it-TO-THE Court:" HE-DID. THIS-is-it. the signed and dated copy is word for word as this COPY. So, indeed, the defendants did write their own Protection from a pro se.

the next copy is identical except has date + signature with "Jr."

there was no argument. Smith didn't say that I had filed motions to compel discovery

" with all parties being represented by counsel, including the Plaintiff, Pro Se:" that's too much-I-pose. who was my lawyer Judges Tidwell, Vining, Shoob and mogl.

IV you refuse me a contempt trial because item no. III puts you out of Business.

NO-CODE-NUMBERS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON,

Plaintiff,

v.

HANS-J. SCHACHT, ET AL.,

Defendants.

CIVIL ACTION
FILE NO. C-78-31N

FILED IN CLERK'S OFFICE

AUG - 4 1978

BEN H. CARTER, Clerk
By: Deputy Clerk

ORDER

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se.

The Defendants voluntarily agreed to:

1. Answer the Complaint;
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that:

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;
2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;
3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and
4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

(1) No counsel argued for Patterson on July 26, 1978 so there was no such conference

(1) alone

It was "hereby ordered" for Smith to Draft a Protective Order and submit it to the Court for signature. Then we claim in case no. C78-106N that the Court conspired with defendants by means of a fraudulent Protective order (P.O.) to stay case nos. C78-31N and C78-47-N BUT Tidwell ruled blocked by res Judicata.

Accordingly, the Defendants are granted a Protective Order to the extent set forth above. conspiracy by lying

So ordered this the 4 day of August, 1978.

malpractice

Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

SMITH-TYPED NAME- NOT "Jr." so the Judge added "Jr." as his SIGNATURE must be correct and order valid.

Judge Henderson also made this fraudulent pre-trial order applicable to case no. C 78-47 and thus stopped the Defendants steal bail judgment in for C 78-31-A and C 78-47-A.

NO

MEMORANDUM OF LAW SHOWING THAT

OUR RIGHT TO A SHOW CAUSE CIVIL

CONTEMPT TRIAL IS LONG OVER-DUE

IN THE CASE OF CARBON FUEL CO.V.UNITED MINE WORKERS (C.A.W.VA.1975) 517 F.2D 1348 THE COURT HELD THAT :" CIVIL CONTEMPT PROCEEDING IS A CONTINUATION OF THE MAIN ACTION AND THEREFORE A PARTY CANNOT REVIEW UPON APPEAL AN ORDER FINING OR IMPRISIONING HIM FOR CIVIL CONTEMPT EXCEPT IN CONNECTION WITH APPEAL FROM A FINAL JUDGMENT IN THE MAIN ACTION"

WELL, IT MUST BE AGREED THAT THE COURT AND DEFENDANTS CHARGED THAT WE VIOLATED A SUPPRESSION CLAUSE CONTAINED IN THE DISMISSAL OF THE "MAIN ACTION"WHICH WAS FOR ORDER NO.C79-106-N WHEN WE FILED C.A. NO.80-1236-A.

THE COURT CHARGED THAT OUR EFFORT TO FILE WHAT WOULD HAVE BEEN C. A.NO.80-1236-A VIOLATED AN "INJUNCTIVE CLAUSE"TACKED ON TO THE DISMISSAL ORDER FOR C.A.NO.79-106-N.

THERE WAS NO "INJUNCTIVE CLAUSE"TACKED ON TO C.A.NO.79-106-N DISMISSAL ORDER WHICH WAS BASED ON SWORN TESTIMONY BECAUSE THE DEFENDANTS NEVER FILED ANY SWORN TESTIMONY WITH C.A.NO.79-106-N.

THERE WAS NO "INJUNCTIVE CLAUSE" TACKED ONTO DISMISSAL ORDER FOR C.A.NO.79-106-N BASED ON EVIDENCE DEDUCED AS THE RESULTS OF A HEARING BECAUSE THE COURT DENIED MY RIGHTS BY PROVISION OF FED R CIV P RULE 65(1)(a) FOR A HEARING.

SO, INSTEAD OF THE COURT CLAIMING THAT TRYING TO FILE C.A.NO.80-1236-A VIOLATED AN "INJUNCTION TACKED ON TO DISMISSAL ORDER FOR C.A. NO.79-106-N IT WOULD HAVE BEEN TRUE FOR JUDGE SHOOB TO HAVE RULED THAT C.A.NO.79-106-N CONTAINED A "SUPPRESSION ORDER"BUT HE NEVER MADE ANY ATTEMPT TO DETERMINE IF THE "INJUNCTIVE CLAUSE"WAS IN COMPLIANCE WITH RULE 65(1)(a) & 65(b).

THEREFORE, WE WERE ENTITLED TO A HEARING TO DETERMINE IF WE HAD INDEED VIOLATED AN INJUNCTIVE ORDER BEFORE JUDGE SHOOB DISMISSED OUR EFFORT TO FILE C.A.NO.80-1236-A.

THEREFORE, WHETHER C.A.NO.79-106-N OR C.A.NO.80-1236-A BE CONSIDERED THE "MAIN ACTION"WE WERE ENTITLED TO A SHOW CAUSE TRIAL IN AUGUST, OR SEPTEMBER 1980 AND IF THE COURT BELIEVED THAT IT COULD HAVE CONVICTED US IT WOULD HAVE TRIED US IN AUGUST 1980.

JUDGE VINING ENTERED AN ORDER ON OCTOBER 2,1980 REVELANT TO THE CONTEMPT CHARGES AND HE SHOWED THAT SAID CHARGES RELATED TO THE ORDER FOR C.A.NO.79-106-N.

HE "BEMOANED"THE ALLEGED FACT THAT FEDERAL COURTS LACKED THE POWER TO ENFORCE ITS "LAWFUL ORDERS" WELL, SIR, WE READ THAT : "COURTS HAVE POWER TO ADJUDGE PERSONS WHO WILLFULLY DISOBEY THEIR ORDERS TO BE IN CONTEMPT AND SUCH POWER EXTENDS TO BOTH CIVIL AND CRIMINAL CONTEMPT. TAYLOR V.FINCH (C.A.ARK.1970) 423 F.2D 1277

NOW THAT WE KNOW THAT JUDGE VINING RESORTED TO PERJURY TO AVOID AFFORDING US OUR SECURED RIGHT TO A SHOW CAUSE TRIAL WHY DID HE DO SO?

JUDGE VINING REFUSES TO AFFORD THIS PRO SE A SHOW CAUSE TRIAL BECAUSE AN - "ORDER TO SHOW CAUSE, A WIDELY USED METHOD OF INSTITUTING CIVIL CONTEMPT PROCEEDINGS, IS MERELY A METHOD OF SERVING NOTICE ON PARTY ALLEGEDLY IN NONCOMPLIANCE --- AND DOES NOT --- SHIFT BURDEN OF PROOF FROM PETITIONER --- TO RESPONDENT" AND JUDGE VINING KNOWS THAT THE DEFENDANTS CANNOT SUPPORT THE "SUPPRESSION ORDER" TACKED ONTO DISMISSAL ORDER FOR C.A.NO.79-106-N. LA.ED.ASS'N V. RICHLAND PARISH SCHOOL BD. (D.C.LA.1976) 421 F.Supp.973, AFFIRMED 585 F.2D518.

BOTH JUDGE VINING AND THE DEFENDANTS KNOW THAT WE CAN SHOW VIA A SHOW CAUSE TRIAL THAT WE WERE ENTITLED TO SUMMARY JUDGMENT FOR C.A.NO.79-106-N SINCE FIVE (5) OF NINE (9) DEFENDANTS ADMITTED THAT THEY COULD NOT CONTROVERT OUR SUMMARY JUDGMENT AFFIDAVIT SERVED ON THEM REVELANT TO C.A.NO.79-106-N. THE OTHER FOUR (4) DEFENDANTS DID NOT BOTHER TO RESPOND TO OUR SUMMARY JUDGMENT MOTION. SO, WHAT IS THE RESULTS OF MY ATTORNEY NOW SHOWING THAT I WAS CHEATED OUT OF THE JUDGMENT FOR C.A.NO.79-106-N?

BOTH JUDGE VINING AND THE DEFENDANTS KNOW THAT WE CAN SHOW AT A SHOW CAUSE TRIAL THAT WE WERE GRANTED A CONSENT JUDGMENT ORDER FOR C.A.NO.79-106-N, BUT THE DEFENDANTS REFUSED TO COMPLY, AND SO SAID ORDER WAS NEVER ALTERED, ADJUDICATED OR VACATED.

JUDGE VINING AND THE DEFENDANTS ARE NOT GOING TO AFFORD US AN OPPORTUNITY VIA A SHOW CAUSE TRIAL TO FORCE THEM TO ADMIT THAT THEY CONSPIRED WITH THE COURT TO CONTROL THE JUDGMENTS FOR BOTH C.A.NOS. 78-31-N & 78-47-N BECAUSE IN SUCH A TRIAL WE WOULD DEMAND THE PRODUCTION OR APPEARANCE OF THE ATTORNEY WHOM THEY CLAIM PROTECTED OUR DUE PROCESS RIGHTS REVELANT TO THOSE TWO CASES AND SINCE I WAS NOT REPRESENTED BY LEGAL COUNSEL ---"THE BURDEN OF PROOF WOULD BE ON THE SHOW CAUSE PETITIONERS" OR DEFENDANTS IN C.A.NO.79-106-N AND C.A.NO. 80-1236-A. WHO WERE THE SAME IN CASE NO.C78-31-N & C78-47-N.

THE COURTS HAVE HELD THAT: "UNITED STATES DISTRICT COURT HAS - RIGHT TO AWARD CIVIL CONTEMPT DAMAGES AND ATTORNEY'S FEES." "TRIAL JUDGE DID NOT ABUSE ITS DISCRETION IN CIVIL CONTEMPT ACTION BY AWARD OF DAMAGES IN THE AMOUNT OF $ 30,000 IN ADDITION TO DAMAGES DEMANDED IN THE MAIN ACTION AND COURT HAD RIGHT TO AWARD ATTORNEY'S FEES OF $ 6,000." FOLK V. WALLACE BUSINESS FORMS, INC. (C.A.N.C. 1968) 394 F.2D 240

THEREFORE, MY NEED IS FOR AN ATTORNEY WHO IS WILLING TO UTILIZE MY FAVORABLE EVIDENCE TO PUT THE PRESSURE ON JUDGE VINING TO EITHER SET THE AUGUST 7,1980 SHOW CAUSE ORDER FOR TRIAL OR TO ISSUE AN ORDER TO SETTLE THE MATTER OUT OF COURT WITH THE UNDERSTANDING THAT SAID ATTORNEY WILL COLLECT HIS FEES FROM THE DEFENDANTS.

HOWEVER, JUDGE VINING TOOK THE POSITION IN HIS ORDER ENTERED ON OCTOBER 2,1980 THAT WE HAD VIOLATED A VALID ORDER REVELANT TO THE SUPPRESSION ORDER TACKED ON TO THE DISMISSAL ORDER FOR C.A.NO.79-106-N.

SO,JUDGE VINING JUDGED US TO BE GUILTY OF CONTEMPT,BUT HE "BEMOANED"THE ALLEGED FACT THAT HE LACKED THE POWER TO PUNISH US OR TO ENFORCE SAID "VALID ORDER" REVELANT TO C.A.NO.79-106-N.

THUS,HE RULED THAT WE COULD NOT BRING SUIT AGAINST THE DEFENDANTS FOR NOT MOVING THE COURT TO BRING THEIR GRANTED SHOW CAUSE ORDER TO TRIAL.HE FURTHER RULED THAT HE WOULD PROTECT THE DEFENDANTS FROM SUCH LAWSUIT BY HIS AUTHORITY UNDER THE "ALL WRITS ACT"- 28 U.S.C. # 1651.HE DOES NOT HAVE ANY POWER UNDER THAT FEDERAL CODE STATUTE ACCORDING TO MY RESEARCH,BUT FOR ME TO SPEND $ 65.00 TO CHALLENGE HIS CONSPIRACY PROTECTION OF THE DEFENDANTS WOULD BE --- STUPID BECAUSE THE COURT HAS CLEARLY DEMONSTRATED TO THIS PRO SE - THAT IT WILL DO WHAT EVER IS NECESSARY TO CONTINUE THE COVER UP FOR JUDGE HENDERSON AND HIS FRAUDULENT PROTECTIVE ORDER WHICH HENDERSON UTILIZED TO STEAL FOR THE DEFENDANTS THE JUDGMENTS FOR C.A.NO. 78-31-N & C.A.NO.78-47-N.

THE EVIDENCE IS AVAILABLE FOR AN ATTORNEY TO UTILIZE TO BRING THIS MATTER EITHER TO A TRIAL OR OUT OF COURT SETTLEMENT.LET'S BE LOGICAL ABOUT THIS SHOW CAUSE ORDER.

SINCE JUDGE VINING IGNORED FOUR (4) PRO SE MOTIONS FOR A SHOW CAUSE TRIAL DOES THE REASONABLE MAN BELIEVE THAT VINING WILL TRY THE CASE WITH AN ATTORNEY REPRESENTING US WHEN HE HAS REFUSED TO TRY US PROCEEDING PRO SE? NO WAY!

THE DEFENDANTS MOST DEFINITELY DO NOT WANT A SHOW CAUSE TRIAL BECAUSE THEY KNOW THAT THEY CANNOT SUPPORT THE COURT GRANTING THEM THE JUDGMENT OF DISMISSAL OF C.A.NO.79-106-N WITH A SUPPRESSION ORDER TACKED ONTO SAID DISMISSAL ORDER. WHAT DID TIDWELL ORDER SUPPRESSED IN HIS DISMISSAL ORDER FOR C.A.NO.79-106-N?

HE ORDERED ALL EVIDENCE REVELANT TO JUDGE HENDERSON AND HENDERSON'S FRAUDULENT PROTECTIVE ORDER FALSELY SHOWING THAT AN ATTORNEY PROTECTED OUR DUE PROCESS RIGHTS "SUPPRESSED"FOREVER,BUT HE CALLED SAID ORDER AN "INJUNCTIVE CLAUSE".

SINCE TIDWELL,SHOOB AND VINING HAVE DISHONESTLY USED THEIR OFFICES OF PUBLIC TRUST TO COVER UP FOR JUDGE HENDERSON IS THERE AN ATTORNEY WHO BELIEVES THAT VINING WILL GRANT US A PUBLIC TRIAL ON THE SHOW CAUSE ORDER?

WE HOPE THE UNIMPEACHABLE FACTS STATED IN THE FOREGOING CONVINCES YOU THAT THIS MATTER TO SHOW CAUSE WILL BE SETTLED OUT OF COURT IF OUR ATTORNEY PUTS THE PRESSURE ON THE COURT TO DISPOSE OF THIS MATTER.

"AWARD OF COSTS OF ATTORNEY'S FEES IN CIVIL CONTEMPT PROCEEDINGS WAS PROPER AND WHOLLY INDEPENDENT OF AWARD OF COMPENSATORY DAMAGES" SHAKMAN V.DEMOCRATIC ORGANIZATION OF COOK COUNTY,(C.A.ILL. 1976) 533 F.2D 344; U.S.V.GREYHOUND CORP.,(D.C.ILL.1974) 370 F.SUPP. 881,AFFIRMED 508 F.2D 529 ; THOMPSON V.JOHNSON (D.C.PA.1976) 410 F.SUPP.633,AFFIRMED 556 F.2D 568, FARBER V.RIZZO,(D.C.PA.1973) 363 F.SUPP.386.

THE COURT IS SO DETERMINED TO COVER UP FOR JUDGE HENDERSON AND THE DEFENDANTS THAT NOT ONLY DID JUDGE TIDWELL IGNORE THAT CONSPIRACY EVIDENCE IN HIS DISMISSAL ORDER FOR C.A.NO.79-106-N WHILE ORDERING THAT NO EVIDENCE SET FORTH BY US IN THAT ACTION BE UTILIZED AGAINST THE DEFENDANTS IN ANOTHER LAWSUIT,BUT JUDGE SHOOB DISMISSED C.A.NO.80-1236-A "WITH PREJUDICE"TO TRY AND CONTINUE THE COVER UP, BUT SHOOB COMPLETELY VIOLATED THE REQUIREMENTS OF RULE 52 WHICH REQUIRED HIM"TO FIND THE FACTS SPECIALLY AND TO ENTER CONCLUSIONS OF LAW BASED ON THOSE FACTS."

THEREFORE,BOTH JUDGES TIDWELL AND SHOOB PROVED BY THEIR ACTIONS THAT THIS CHEATED PRO SE WILL NEVER BE PERMITTED TO PUBLICLY TESTIFY REVELANT TO THE PENDING SHOW CAUSE ORDER.

JUDGE VINING HAS PROVEN SINCE AUGUST 28,1980 WHEN HE CONTINUED THE SHOW CAUSE ORDER TRIAL INDEFINITELY THAT IF HE WAS AFRAID TO TRY US AS A PRO SE WITHOUT REPRESENTATION BY LEGAL COUNSEL THAT HE MOST DEFINITELY WILL NOT TRY THE MATTER WHEN AN ATTORNEY FILES A "NOTICE OF APPEARANCE"TO REPRESENT US REVELANT TO THE SHOW CAUSE - ORDER.

THE FEDERAL APPELLATE COURTS HAVE HELD THAT 18 U.S.C. # 401 - MANDATES THAT: "NATURE OF CONTEMPT CASES REQUIRES THAT THOSE CHARGED WITH VIOLATION OF AN INJUNCTION AS CONTEMPT BE AFFORDED DUE -- PROCESS GUARANTEED BY U.S.C.A.CONST.AMENDS.5-14--- AND THAT"PET---ITIONER (DEFENDANTS IN THIS CASE) IN A CIVIL CONTEMPT TRIAL BEARS BURDEN OF PROVING RESPONDENT (THIS PRO SE) VIOLATED SOME VALID COURT ORDER,ESPECIALLY SO WHEN RESPONDENT DENIES MATERIAL ALLEGATIONS IN PETITIONER'S PLEADING." LA.ED.ASS'N V.RICHLAND PARISH SCHOOL BD. (D.C.LA.1976) 421 F.SUPP.973,AFFIRMED 585 F.2D 518; ADAMS V. SAMPSON(D.C.N.C.1978) 454 F.SUPP.233

THE DEFENDANTS (PETITIONERS FOR THE SHOW CAUSE ORDER) CANNOT SHOW VIA A CONTEMPT TRIAL THAT WE VIOLATED AN INJUNCTION AND JUDGE VINING KNOWS THAT TO BE A FACT WHICH EXPLAINS WHY HE HAS REFUSED TO - TRY US PROCEEDING PRO SE AND WHY HE ENTERED AN ORDER ON OCTOBER 2, 1980 ADVISING ALL PARTIES THAT THE DEFENDANTS DID NOT HAVE TO PROVE THEIR ALLEGED CHARGES AGAINST US AND THAT WE COULD NOT SUE THEM FOR HAVING FILED FALSE CONTEMPT CHARGES AGAINST US.

IT IS ALSO TRUE THAT THE ABOVE CITATIONS SHOW THAT BEFORE JUDGE SHOOB COULD HAVE DISMISSED C.A.NO.80-1236-A WHILE AFFORDING US DUE PROCESS WE WERE ENTITLED TO A TRIAL TO DETERMINE IF TRYING TO FILE C.A.NO.80-1236-A VIOLATED AN INJUNCTION OR SUPPRESSION ORDER TACKED ONTO THE DIS[illegible] ORDER FOR C.A. NO.79-106-N. BUT YOU MUST UNDERSTAND THAT SHOOB COULD NOT AFFORD US DUE PROCESS BECAUSE SUCH A HEARING WOULD HAVE PUBLICLY EXPOSED JUDGE HENDERSON'S CONSPIRACY WITH THE DEFENDANTS. THEREFORE, AN ATTORNEY REPRESENTING THIS PARTY IS ASSURED THAT WE ARE ENTITLED TO A TRI[illegible]

2-20-81

DeKalb lawyers urged to help the poor

The president of the American Bar Association has urged DeKalb County lawyers to provide free services to the poor.

William R. Smith Jr. of Tampa, Fla., told a luncheon meeting of the Decatur-DeKalb County Bar Association Thursday that the legal needs of about 20 million poor people were not being met.

"It is in our interest, in the interest of the public and in the interest of the poor that we work on a volunteer basis to serve the needs of the poor," Smith said. "It is an obligation of everyone of a learned profession."

He warned that attorneys shouldn't depend on the federal government to fund programs to meet the needs of the poor because there isn't enough money to go around.

JUDGE TIDWELL DID NOT TACK ONTO HIS DISMISSAL ORDER FOR C.A.NO. 79-106-N AN INJUNCTIVE CLAUSE THAT AFFORDS THE DUE PROCESS RIGHTS IMPLIED BY PROVISIONS OF FED R CIV P RULE 65(a)(1).

HE DID NOT BASE THAT INJUNCTIVE CLAUSE ON EITHER SWORN AFFIDAVITS OR FROM TESTIMONY DEDUCED AT A HEARING AND THE SUPREME COURT HAS HELD THAT: "THE NOTICE REQUIREMENTOF FED R CIV P RULE 65(a)(1) IMPLIES A HEARING IN WHICH THE DEFENDANT (THIS PRO SE) IS GRANTED A FAIR OPPORTUNITY TO OPPOSE THE APPLICATION FOR A PRELIMINARY INJUNCTION AND TO PREPARE FOR SUCH OPPOSITION" SEE, GRANNY GOOSE FOODS V.BROTHERHOOD OF TEAMSTERS AND AUTO TRUCK DRIVERS, LOCAL 70, (1974) 415 US 423,432 NOTE 7,94 SCT 1113 LE2D 435. CHEATED BY A FEDERAL JUDGE

NEITHER CAN AN INJUNCTIVE JUDGMENT BE TACKED ONTO A DISMISSAL ORDER, ACCORDING TO PROVISIONS OF FED R CIV P RULE 65(d), BECAUSE A VALID INJUNCTION MUST BE SERVED WITH A NOTICE AND A DISMISSAL ORDER IS NOT. PASADENA CITY BD.OF EL. V.SPANGLER (1976) 427 US 424,96SCT 2697,49 LE2D 599. THEREFORE, JUDGE SHOOB COMMITTED INTENTIONAL ERROR WHEN HE RULED THAT OUR TRYING TO FILE CASE NO.C80-1236-A VIOLATED A VALID INJUNCTION GRANTED BY JUDGE TIDWELL FOR CASE NO.C79-106-N.

NO, JUDGE TIDWELL DID NOT ISSUE A VALID INJUNCTION WHEN HE ORDERED "SUPPRESSED" THE EVIDENCE REVELANT TO JUDGE HENDERSON'S CONSPIRACY WITH THE DEFENDANTS TO CONTROL THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER.A "SUPPRESSION ORDER" DENIES DUE PROCESS. CHEATED AGAIN BY A FEDERAL JUDGE.

SO ANOTHER REASON WHY FEDERAL JUDGE VINING HAS REFUSED SINCE --- AUGUST 1980 TO AFFORD US DUE PROCESS RIGHTS TO SHOW VIA A TRIAL WHY WE SHOULD NOT BE JUDGED IN CONTEMPT OF FEDERAL COURT IS BECAUSE HE KNOWS THAT WE CAN SHOW THE DIFFERENCE BETWEEN AN INVALID INJUNCTIVE CLAUSE AN A "SUPPRESSION ORDER" AND THAT THE DEFENDANTS WERE NOT ENTITLED TO EITHER TYPE OF RELIEF.

YOU MIGHT CONSIDER THE FACT THAT WE SERVED A NOTICE AND MOTION FOR AN INJUNCTIVE HEARING BASED ON AN AFFIDAVIT ON APRIL 15,1980, BUT JUDGE TIDWELL HAS NOT UNTIL THIS DATE ENTERED A RULING UPON OUR NOTION AND MOTION. CHEATED.PREJUDICED AND BIASED.

WE STILL CONTEND THAT WE CAN SHOW AT A CONTEMPT TRIAL THAT BASED ON DUE PROCESS RIGHTS IMPLIED BY RULES 65(a)(1) & 65(d) THAT WE WERE ENTITLED TO A HEARING BEFORE JUDGE SHOOB FALSELY RULED THAT CASE NO. 80-1236-A WOULD VIOLATE A VALID INJUNCTION IF OFFICALLY FILED AND SERVED.

IT IS ALSO TRUE THAT WE BASED SHOOB'S JURISDICTION OF CASE NO. 80-1236-A ON OUR RIGHT TO SEEK RELIEF BY PROVISIONS OF FED R CIV P RULE 62(c) FROM TIDWELL'S "SUPPRESSION ORDER"

THEREFORE, AN ATTORNEY NOW ENTERING THIS MATTER TO REPRESENT US TO PRESSURE JUDGE VINING TO SET THE CONTEMPT CHARGES FOR TRIAL DATE SHOULD BE ADVISED THAT VINING WILL NOT NOW PUT THE PETITIONER'S IN THE POSITION OF HAVING TO SUPPORT THE "SUPPRESSION ORDER" GRANTED TO THEM BY JUDGE TIDWELL, BUT IF PRESSURED BY A LAWYER, VINING WILL ORDER THE MATTER SETTLED OUT OF COURT.

WHY DID'NT JUDGE VINING ACKNOWLEDGE JUST ONE OF FOUR (4) MOTIONS FILED BY US SEEKING A SHOW CAUSE CONTEMPT TRIAL EVEN WITHOUT LEGAL COUNSEL TO REPRESENT US? THE ANSWER FOLLOWS.[1]

WHY DID JUDGE VINING STATE IN HIS ORDER ENTERED ON OCTOBER 2,1980 THAT HE WOULD CITE US FOR CRIMINAL CONTEMPT IF WE FILED SUIT AGAINST THE DEFENDANTS FOR HAVING FILED FRAUDULENT CONTEMPT CHARGES AGAINST US INSTEAD OF STATING THAT THEY DID'NT HAVE TO ANSWER ANY PLEADING FILED BY US AND THAT HE WOULD PROTECTED THEM FROM DEFAULT JUDGMENT BY HIS AUTHORITY CITED IN THE ALL WRITS STATUTE,--28 U.S.C. # 1651.

[1] WELL,SINCE VINING FALSELY STATED IN HIS ORDER OF OCTOBER 2, 1980 THAT A FEDERAL COURT LACKED THE POWER TO PUNISH A PARTY FOUND TO BE GUILTY OF CIVIL CONTEMPT THEN THE SAME COURT MUST ALSO LACK THE POWER TO PUNISH FOR CRIMINAL CONTEMPT.
[1]

JUDGE VINING DID NOT ACKNOWLEDGE OUR PRO SE MOTIONS SEEKING A SHOW CAUSE TRIAL WITHOUT LEGAL COUNSEL BECAUSE JUDGE CHARLES MOYE, CHIEF JUDGE,U.S.DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA HAS ISSUED THE ORDER THAT"PATTERSON MUST NOT BE PERMITTED TO PUBLICLY TESTIFY REVELANT TO THIS MATTER FOR TO LET HIM DO SO IMPEACHES --- FEDERAL JUDGES HENDERSON,TIDWELL,SHOOB AND VINING.

WHY DO I NOW WANT A LAWYER TO PRESSURE THE COURT TO SET THE SHOW CAUSE ORDER OF AUGUST 7,1980 FOR A TRIAL DATE?WELL,I KNOW THAT NO TRIAL DATE FOR THIS MATTER WILL BE FORTHCOMING FROM THE COURT, BUT IF THE COURT IS PRESSURED IT WILL ORDER THE MATTER SETTLED OUT OF COURT. IF YOU DOUBT THAT A TRIAL DATE WILL NOT BE SET THEN I ASK YOU TO HONESTLY CONSIDER WHETHER OR NOT THE COURT CAN AFFORD TO PERMIT US TO SHOW BY A PUBLIC TRIAL THAT WE WERE CHEATED OUT OF THE JUDGMENTS FOR C.A.NOS. 78-31-N,78-47-N,79-106-N & 80-1236-A AND THAT WE ARE NOW ENTITLED TO COMPENSATION FOR HAVING BEEN CHEATED OUT OF THOSE JUDGMENTS.

WHY HAS JUDGE VINING REFUSED TO APPOINT COUNSEL FOR THIS INDIGENT PRO SE WHEN HE KNOWS THAT THE CONSTITUTION REQUIRES HIM TO DO "AT THE OUT-SET OF THE CITATION FOR CONTEMPT?" HE HAS REFUSED BECAUSE HE NEVERS INTENDED TO AFFORD US OUR SECURED RIGHT TO GIVE EVIDENCE THAT WOULD IMPEACH FOUR (4) FEDERAL JUDGES.

3-24-81

Supreme Court Ruling Backs Fired Professor

WASHINGTON (AP) — The Supreme Court today left intact a decision forcing four administrators at Troy State University in Alabama to pay a fired professor more than $13,000.

The justices refused to hear arguments that the four officials did not violate Nicholas D'Andrea's free-speech rights when firing him in early 1977.

The school officials argued the statement leading to D'Andrea's firing was not constitutionally protected because it was based on an untrue rumor.

D'Andrea was fired as a geography professor after telling a state legislative aide about a rumor involving Troy State's finances.

The rumor, never proven, was that the university invested about $1 million in cash in the Alaskan pipeline for a quick $400,000 profit.

D'Andrea told the aide the rumor was, indeed, just what he had been told and he identified the source of his information. The professor made no attempt to verify the rumor before telling it to the legislative staff member.

After his firing, D'Andrea sued university president Ralph Adams, vice president Edward Barnett, dean John Long and department chairman Duane Tway. He sought money damages, alleging the firing violated his free-speech rights.

A federal trial jury awarded him $5,000 in damages and nearly $5,000 in court costs, but the presiding judge set aside the jury verdict and ruled for the university officials.

and court costs

The 5th U.S. Circuit Court of Appeals, however, ruled last Sept. 26 that D'Andrea's free-speech rights had been violated. The appeals court reinstated the jury verdict and court costs, including those incurred for D'Andrea's appeal.

costs

I'M NOT ASHAMED TO ADMIT THAT I HAVE ALMOST BEEN CONTROLLED BY MENTAL ANGUISH AND BITTERNESS SINCE THE COURT ORDERED ME TO SHOW CAUSE WHY I SHOULD NOT BE ADJUDGED IN CONTEMPT OF FEDERAL COURT BECAUSE I HAVE BEEN UNABLE SINCE THAT ORDER WAS ISSUED ON AUGUST 7, 1980 TO RETAIN PRIVATE COUNSEL TO PRESSURE THE COURT TO EITHER SET THE SHOW CAUSE ORDER FOR A TRIAL DATE OR TO ISSUE AN ORDER TO SETTLE THE MATTER OUT OF COURT BECAUSE EITHER WAY BOTH AN ATTORNEY AND THIS CHEATED PRO SE WOULD "BE IN THE MONEY."

TO KNOW AS I DO THAT I HAVE THE COURT IN THE UNFAVORABLE POSITION OF NOT BEING FREE TO AFFORD ME A SHOW CAUSE TRIAL UNLESS THE COURT WOULD DARE TO PERMIT MY PUBLIC TRIAL TESTIMONY IMPEACH FOUR (4) - FEDERAL JUDGES ON THE CHARGE OF MALFEASANCE IN OFFICE AND NOT HAVE AN ATTORNEY TO TAKE ADVANTAGE OF MY VERY FAVORABLE POSITION HAS - MADE ME BITTER TOWARD THE 20 LAWYERS WHOM I HAVE PAID THE GA.LAWYER REFERRAL SERVICE FEE OF $ 15.00 PER-HALF HOUR BECAUSE NONE WOULD TAKE MY CASE AND SEEK HIS FEE FROM THE DEFENDANTS,OR WOULD ACCEPT THE CASE ON A CONTINGENCY FEE BASIS,OR WOULD LET ME PAY THEM LIKE I DO MY PROFESSIONAL DOCTORS--- BY THE MONTH.

I'M NOT STUPID AND BECAUSE I'M NOT I KNOW THAT NO JUDGE IS GOING TO LET ME TESTIFY THAT FEDERAL JUDGE,ALBERT HENDERSON,CONSPIRED WITH THE DEFENDANTS TO CONTROL THE JUDGMENTS IN HENDERSON'S COURT FOR CASES NOS.C78-31-N &C78-47-N VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER (P.O.) WHICH FALSELY STATED THAT AN ATTORNEY PROTECTED MY DUE PROCESS RIGHTS IN HENDERSON'S COURT. SEE,EXHIBITS NOS.3 & 4, ATTACHED.

I WOULD HOPE THAT IF I EVER DO RETAIN COUNSEL TO PRESSURE THE -- COURT FOR A SHOW CAUSE TRIAL DATE THAT SAID ATTORNEY WOULD MAKE IT KNOWN TO BOTH THE COURT AND DEFENDANTS THAT WE WILL DEMAND THAT THE DEFENDANTS AND COURT STATE THE NAME OF THE ATTORNEY WHOM THEY CLAIM REPRESENTED US IN HENDERSON'S COURT WITH CASES NOS.C78-31-N & C78-47-N.

IF"MY"ATTORNEY WOULD INCLUDE THAT FACT IN HIS FIRST MOTION SUPPORTING A SHOW CAUSE TRIAL DATE,HE COULD BE ASSURED THAT HE WOULD BE HONORED WITH AN ORDER TO SETTLE THE MATTER OUT OF COURT.

WHY DID JUDGE HENDERSON CONSPIRE WITH THE DEFENDANTS TO CONTROL TWO JUDGMENTS IN HIS COURT BY MEANS OF A FRAUDULENT P.O?

WELL,THE ANSWER IS SIMPLE. HE ACTED AFTER I HAD SERVED DISCOVERY REQUESTS ON THE DEFENDANTS TO PRODUCE THE 127 EXHIBITS & DOCUMENTS WHICH SUPT.ABERNATHY AND HIS WITNESSES UTILIZED TO TERMINATE MY -- 30 YEARS EMPLOYMENT WITH THE TROUP CO.BD.OF ED AT A SECRET HEARING HELD BY THE GA.PROFESSIONAL PRACTICES COMMISSION FOR ABERNATHY'S - TAX DOLLARS BRIBE.JULY-1976.

I HAD DEMANDED THAT THOSE 127 EXHIBITS BE PRODUCED SINCE THE COMMISSION RULED THAT I WAS THE AUTHOR OF EACH.THE COMMISSION GOT ALL OF ITS EVIDENCE AGAINST ME FROM THOSE 127 EXHIBITS WHICH IT CLAIMED BEARED MY SIGNATURES.

I ALSO SERVED INTERROGATORIES ON ABERNATHY DEMANDING THAT HE CITE IN MY TESTIMONY (ATTRIBUTED TESTIMONY) THE PAGE NUMBERS ON WHICH I WAS CONFRONTED ON CROSS EXAMINATION WITH THOSE 127 EXHIBITS & DOCUMENTS.

SINCE JUDGE HENDERSON HAD A COPY OF THE TRANSCRIPT COMPILED BY THE COMMISSION HE KNEW THAT THE HEARING RECORD REVEALED THAT I WAS NOT CONFRONTED ON EITHER DIRECT OR CROSS EXAMINATION WITH ABERNATHY'S 127 PAGES OF ADVERSE EVIDENCE.

THEREFORE,HENDERSON KNEW THAT IF HE DID NOT COVER UP FOR THE COMMISSION OFFICERS AND ABERNATHY THAT THEY WERE IN REAL BAD TROUBLE. SO,HE PERMITTED THEM TO DRAFT P.O.ORDER ATTACHED AS EXHIBIT NO. 3, AND EXHIBIT NO.4,ATTACHED,SHOWS THAT HENDERSON SIGNED THAT FRAUDULENT P.O. WITHOUT EDITING OR CHANGING A WORD OR PERIOD. THAT P.O. WAS DESIGNED TO DENY MY ACCESS TO ABERNATHY'S 127 EXHIBITS AND IT ---- DID.

WHEN A JUDGE SIGNS AN ORDER WHICH STATES THAT AN ATTORNEY RE---PRESENTED ME IN HIS COURT,AND NO LAWYER DID,SUCH AS IN THIS CASE, THEN,THAT JUDGE IS GUILTY OF CONSPIRACY ANY WAY YOU CARE TO DESCRIBE SUCH MISCONDUCT. A HEINOUS CRIME BY A FEDERAL JUDGE.

YOU SEE MY BITTERNESS TOWARDS LAWYERS GOES BACK TO SEPTEMBER 7, 1976, AND OCTOBER 20,1976. I PAID ATTORNEY KENNETH GORDON A RETAINER FEE OF $ 1,500.00 ON SEPTEMBER 7,1976 TO FILE A FEDERAL SUE SHOWING THAT I WAS DENIED DUE PROCESS REVELANT TO ABERNATHY'S 127 EXHIBITS.GORDON HAS NOT UNTIL THIS VERY DAY RENEDERED ANY LEGAL SERVICE FOR ME.I TRIED TO HAVE HIM ARREST WITHOUT LUCK.I ASKED THE GA.BAR TO GET MY RETAINER FEE FROM GORDON.NO! GORDON STOLE $ 1,500.00 FROM ME AND I WAS UN-EMPLOYED AT THE TIME AND STILL AM UNEMPLOYED.

THEN I WENT TO ATLANTA TO SEE IF I COULD RETAIN AN ATTORNEY TO GET MY MONEY BACK FROM GORDON AND SHE ASKED FOR AND GOT A RETAINER FEE OF $ 1,000.00. I HAVE NEVER SEEN HER AGAIN.MY INFORMATION AT THE TIME WAS THAT SHE MOVED TO NEW YORK.

HOWEVER,DESPITE MY PAST UNPLEASANT EXPERIENCES I KNOW THAT WITHOUT REPRESENTATION BY LEGAL COUNSEL THAT I CANNOT TAKE ADVANTAGE OF THE COURT'S VERY UNFAVORABLE POSITION AND DEMAND THAT THE SHOW CAUSE ORDER BE SET FOR TRIAL.

YOU SEE IF ANYONE ON THIS EARTH HAS A RIGHT TO BE BITTER I DO BECAUSE AFTER SUPT.ABERNATHY BRIBED THE COMMISSION OFFICERS TO CONVICT ME AS THE AUTHOR OF HIS 127 LETTERS WHICH MY TESTIMONY SHOWS I WAS NOT CONFRONTED WITH HE RUNS TO THE NEWS MEDIA AND RELEASES A STORY THAT MY EMPLOYMENT WAS TERMINATED BECAUSE I WAS CONVICTED AS"A LIAR UNDER OATH"BY THE COMMISSION REVELANT TO HIS 127 EXHIBITS AND THAT PERJURED NEWS MEDIA STORY EFFECTIVELY CLOSED THE JOB MARKET TO ME AND AFTER RENDER HILL WAS UNABLE TO GET ME A JOB WITH THE STATE DEPT. OF HUMAN RESOURCES AS A CASE WORKER BECAUSE MY PERSONNEL FILE SHOWED---"CONVICTED AS A LIAR" --- MY MENTAL HEALTH DETERIORATED AS I FOUGHT HIM IN FEDERAL COURT FOR FOUR (4) YEARS WITHOUT REPRESENTATION BY LEGAL COUNSEL.THE STIGMA WHICH SUPT.ABERNATHY CAUSED TO BE ATTACHED TO MY PERSONAL AND PROFESSIONAL REPUTATION SIMPLY DESTROYED ME.SELAH! BUT YOU SEE JUDGE HENDERSON COVERED UP THIS ABERNATHY EVIDENCE WITH HIS FRAUDULENT P.O.AND TIDWELL ORDERED IT SUPPRESSED IN HIS DISMISSAL ORDER FOR CASE NO.CCO 106-V."IN FUNCTION"MY FOOT!

APPENDIX

EXHIBIT NO.

1. SHOW CAUSE ORDER-DATED AUGUST 7,1980 ---------- B-1

2. JUDGE TIDWELL DISQUALIFIES HIMSELF-
   ASSIGNS SHOW CAUSE ORDER TO JUDGE VINING -------- A

3. JUDGE VINING CANCELS SHOW CAUSE TRIAL ---------- A

4. JUDGE VINING CERTIFIES TWO LIES
   TO FIFTH CIRCUIT COURT OF APPEALS ---------- B

5. JUDGE SHOOB RULES THAT CASE NO.C80-1236-A
   CAN PROCEED EITHER BEFORE A JUDGE OR A
   UNITED STATES MAGISTRATE ---------- 8

6. JUDGE SHOOB FALSELY RULES THAT CHECK TO
   PAY FILING FEE FOR CASE NO.C80-1236-A
   "BOUNCED"AND THAT CASE NO.C80-1236-A CANNOT
   BE FILED-- WAS IT FILED FOR EXHIBIT NO. 8 ABOVE? --- 6

7. COPY OF "PAID"CHECK WHICH SHOOB RULED
   HAD "BOUNCED"REVELANT TO CASE NO.C80-1236-A --------- 7

8. JUDGE TIDWELL ORDERS CONSENT JUDGMENT FOR
   CASE NO.C79-106-N,BUT HE HAS NOT UNTIL THIS
   DATE EITHER ADJUDICATED OR VACATED THAT ORDER ---------- 5

9. JUDGE HENDERSON PERMITS DEFENDANTS TO CONTROL
   JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N
   WITH A FRAUDULENT P.O.FALSELY STATING THAT AN
   ATTORNEY REPRESENTED US WITH THOSE CASES ---------- 3

10. THE SECOND COPY OF THE FRAUDULENT P.O.
    SIGNED BY JUDGE HENDERSON-THIS P.O.WAS
    THE MAJOR CLAIM FOR RELIEF IN CASE NO.C79-106-N ----- 4

11. THE FIFTH CIRCUIT COURT OF APPEALS RULES
    THAT WE ARE ENTITLED TO A SHOW CAUSE TRIAL ---------- D

10/21/80
BEN H. CARTER, Clerk
BY: Karen Gardner
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON,

Plaintiff,

vs.

HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, both individually and in their official capacities as State of Georgia employees, THEODORE E. FRANKEL, individually and in his capacity as counsel for The Georgia Association of Educators, RALPH JOHNSON, individually and in his capacity as an employee of the Troup County Schools, OTIS J. ABERNATHY, both individually and in his capacity as Superintendent of Troup County Schools, KENNETH L. GORDON, as counsel for Plaintiff, and Bonding Companies of all Defendants,

Defendants.

CIVIL ACTION

No.C 79-106 N

EXHIBIT P1
cited in Table of contents

ORDER

The plaintiff has submitted to the court a document titled "Plaintiff appeals for a ruling on his notice to appeal, dated on September 15, 1980, and a ruling on his constitutional right to a jury trial for civil contempt charges cited against him by this court on August 7, 28, and September 24, 1980 and for appointment counsel, and for judgment of dismissal for contempt charges required pursuant to Federal Rules of Civil Procedure Rule 58 before an appeal can be effected." Let the same be filed. That document is a verbose recitation of various wrongs which the plaintiff believes have been inflicted upon him by this court. Because the plaintiff is proceeding pro se, this court must liberally construe the pleadings submitted by him; consequently, this court will treat this most recent document as a notice (11) of appeal to the Court of Appeals for the Fifth Circuit. YOU HAVE ALREADY "TREATED ONE" DOCUMENT AS AN APPEAL AND YOUR ORDER OF OCTOBER 6,1980 SHOWS AS MUCH. WHAT'S WRONG WITH MOTION TO APPEAL DATED SEPTEMBER 15,1980?

EXHIBIT D-1

Well, Judge, if none have any merit please state the name of my lawyer whom Judge Henderson claims represented me?

In his document the plaintiff writes of various supposed violations of technical requirements of the Federal Rules of Civil Procedure, none of which has any merit whatsoever. The various wrongs of which he complains are more imagined than real and simply show his unwillingness to comply with the lawful orders of this court. He has sought (1) to re-litigate matters instead of taking direct appeals and has sought to burden this court with numerous complaints, petitions, and appeals. The court has again reviewed the plaintiff's filings and for the reasons outlined above the court hereby certifies pursuant to Fifth Circuit Local Rule 8.3 that the (2) appeal is frivolous and not taken in good faith; consequently, the plaintiff is denied the right to proceed on his appeal in forma pauperis.

XXXXX
XXXX

(1) If you want a number of a relating Tlaw, you would need a lawyer. You refuse to appoint Thimself.

EXHIBIT D-1

SO ORDERED, this 21ST day of October, 1980.

(2) You cited me for contempt, so now that I seek a Trial denied by you, you say your citation was "frivolous". Every citizen charged with violating a federal law, 18 #401(3) has a right to a Trial.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
United States District Judge

XXXX. WELL, JUDGE VINING, IF I'M UNWILLING TO "COMPLY WITH THE LAWFUL ORDERS OF THIS COURT" WHY DON'T YOU GIVE ME A FULL, IMPARTIAL JURY TRIAL FOR CONTEMPT TO PROVE THAT THE ORDER FOR C.A.NO.79-106-N IS NOT "A LAWFUL ORDER" INSTEAD OF "DODGING THAT ISSUE" CONTAINED IN MY OFFICAL SEPTEMBER 15,1980 MOTION TO APPEAL? IF I AM TRYING TO "RELITIGATE THE SAME ISSUES" WHY DON'T YOU PROVE IT BY TRYING ME FOR CONTEMPT OF ORDER----NO.C79-106-N INSTEAD OF PRETENDING THAT YOU DON'T UNDERSTAND JUST WHAT ISSUES I WISH TO APPEAL? CAN YOU PRODUCE A SINGLE DEFENDANT'S EFFORT TO CONTROVERT OUR SUMMARY JUDGMENT AFFIDAVIT FOR ORDER NO.C 79-106-N? NO! YOU CANNOT. THEREFORE, YOU DENY ME A CONTEMPT TRIAL IF IT IS "A LAWFUL ORDER OF THIS COURT" TO CITE A PARTY FOR CONTEMPT, THIS COURT HAS THE POWER TO ENFORCE "ITS LAWFUL ORDERS" BUT YOU REFUSE TO ENFORCE "THE LAWFUL ORDER OF THIS COURT" BY TRYING ME FOR CONTEMPT BY JURY. SO, DON'T COME HERE PLEADING FOR PITY BECAUSE YOU REFUSE TO GRANT US A JURY CONTEMPT TRIAL AND SAY, "HE IS SIMPLY --------" TRY ME!

J.E.P.
10/27/80

FILED IN CLERK'S OFFICE
AND A COPY GIVEN TO COUNSEL, ETC.
10/28/80
Ben H. Clerk
By: Deputy Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK

GILBERT F. GANUCHEAU
CLERK

TELEPHONE INQUIRIES
ALA-GA CASES TEL (404) 221-3836
FLA - CASES TEL (404) 221-3833
FTS PREFIX IS 242

TEL 404-221-6187
FTS-242-6187
56 FORSYTH ST., N.W.
ATLANTA, GEORGIA 30303

February 4, 1981

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

NOS. 80-8289 and 80-8290 - PATTERSON v. ABERNATHY, ET AL.

cited in Table of contents → Exhibit #2

The following action has this day been taken in the above case;

☐ AN EXTENSION OF TIME has been granted to and including

- ☐ for filing appellant's/petitioner's brief.
- ☐ for filing appellee's/respondent's brief.
- ☐ for filing reply brief.
- ☐ for filing petition for rehearing.

☐ Motion to consolidate granted.
☐ Motion to supplement or correct the record granted.
☐ Motion for leave to file supplemental brief granted.
☐ Motion for leave to file brief amicus curiae is granted.
☐ Joint motion as to time for filing briefs granted.
☒ Order enclosed has been entered.
☐

GILBERT F. GANUCHEAU, Clerk

cc: Mr. James E. Patterson
Mr. John Taylor
Mr. Steven Fanning
Ms. Linda Birrel
Mr. William E. Hoffman, Jr.
Mr. Robert Castellani

BY: [signature] Deputy Clerk

ql

Entered Jan. 28, 1981
Received by Patterson on 2-6-81

EXHIBIT # B-1

FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON :
:
v. : CIVIL ACTION NO. C79-106N
:
HANS J. SCHACHT, et al :

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980 by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof,

It is hereby ORDERED, that Plaintiff James E. Patterson appear at the United States Courthouse; Atlanta, Georgia; Courtroom 221 on August 21, 1980 at 10:30 o'clock A.m. and show cause why he should not be held in Contempt of Court as prayed.

I did not mark THRU- these lines. ~~It is further Ordered that the Complaint in~~ Patterson v. Abernathy, C80-1236A shall not be served upon any Defendant pending further order by this Court.

11/25/80 This Order shall be communicated to the Clerk for the United States District Court for the Northern District of Georgia and the United States Marshal for the Northern District of Georgia.

So Ordered this 7 day of August, 1980.

G. Ernest Tidwell, Judge
United States District Court
For The Northern District of
Georgia, Atlanta Division

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta, Ga.
AUG 8 1980
JAMES E. [illegible], Clerk
By: [illegible] Deputy Clerk

) There are 9 defendants, and defendants FRANKEL and Hoffman — filed the civil contempt motion. Judge Tidwell just cut-right thru my right to summary judgment - J.E.P. for C.A. 79-106N.

11-25-80

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
9/2/80
BEN H. CARTER, Clerk
BY: Karen Jacobs
Deputy Clerk

JAMES E. PATTERSON

-vs-

HANS J. SCHACHT, et al

CIVIL ACTION
NO. C 79-106 N

A/A

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980, by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy, et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof, and the matter having been referred to Honorable Robert L. Vining, Jr., United States District Judge, Northern District of Georgia, for a show cause hearing in the matter, by Honorable G. Ernest Tidwell, United States District Judge, Northern District of Georgia, (2) now - read Exhibit 1 again

IT IS THEREFORE ORDERED that the show cause hearing date of September 3, 1980 at 4:00 o'clock p.m., be, and the same hereby is continued until further order of this Court.

This the 28th day of August, 1980.

"Did not appear as ordered"

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

Judge Vining Canceled this contempt trial date and then falsely Certified to the Fifth Circuit that J failed to appear and then Judge Hill ruled for the fifth that such misconduct did not disqualify Judge Vining.

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
9/8/80
Ben H. Carter, Clerk
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

#B

JAMES E. PATTERSON,

Plaintiff,

vs.

HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, both individually and in their official capacities as State of Georgia employees, THEODORE E. FRANKEL, individually and in his capacity as counsel for The Georgia Association of Educators, RALPH JOHNSON, individually and in his capacity as an employee of the Troup County Schools, OTIS J. ABERNATHY, both individually and in his capacity as Superintendent of Troup County Schools, KENNETH L. GORDON as counsel for Plaintiff, and Bonding Companies of all Defendants,

Defendants.

CIVIL ACTION

No. C 79-106 N

(1) well, Sir, since said order is not an "appealable order" why don't you grant me a Trial?

(2) "additionally", Judge, if your lie were true, you would have issued a bench warrant for my arrest and then tried me for criminal contempt. I have not been arrested or Tried.

ORDER

The plaintiff seeks leave to appeal in forma pauperis the order of August 8, 1980, in which he was directed to show cause why he should not be held in contempt. The August 8, 1980, order is not an appealable order, and the notice of appeal was filed more than thirty days after that order. (1) See, A Additionally, the plaintiff did not appear at the time or place ordered in the August 8 order. For these reasons, the court hereby certifies pursuant to Fifth Circuit Local Rule 8.3 that the appeal is frivolous and not taken in good faith, and the motion to proceed in forma pauperis is DENIED.

(1)

SO ORDERED, this 6th day of October, 1980.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
United States District Judge

FILED IN THE DISTRICT COURT
AND A TRUE COPY OF THIS ORDER
Ben E. [illegible]
10/7/80
By: [illegible]
Deputy Clerk

(3) "additionally", Judge Vining wrote the order that canceled the August 8 order. See his order of 9/29/80. no. You aren't about to try me and afford me the right to force you to prove your perjury for benefit

C 80-1236A

"notice of Right."

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

(1) may I please ask one serious question - DOES a court rule that a PARTY has a "RIGHT" then cite him for contempt if he accepts that "RIGHT"? See (5)

NOTICE OF RIGHT TO

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE

In accordance with the provisions of 28 U.S.C. Section 636(c), you are hereby notified that the full-time United States Magistrates of this District Court, in addition to their other duties, may, upon the consent of all parties in a civil case, conduct any and all proceedings in a civil case, including a jury or non-jury trial, and order the entry of a final judgment. Copies of appropriate consent forms are attached and, further, are available from the Clerk of Court.

"RIGHT"

You should be aware that your decision to consent, or not to consent, to the referral of your case to a United States Magistrate for disposition is entirely voluntary and should be communicated solely to the Clerk of the District Court. Only if all parties to the case consent to the reference to the Magistrate will either the Judge or the Magistrate to whom the case has been assigned be informed of your decision.

Your opportunity to have your case disposed of by a Magistrate is subject to the calendar requirements of the Court. Accordingly, the District Judge to whom your case is assigned must approve the reference of the case to a Magistrate for disposition.

If all parties to the case consent, the same must appear by the filing of a signed consent in the form provided by rule within ten (10) days of the joining of issue by all parties. If any party does not consent to having a Magistrate hear and determine the case, his identity shall not be revealed. No consent form shall be filed with the Clerk unless all parties have signed the same.

CONSENT FORM ON REVERSE SIDE OF THIS FORM

(2) I specifically requested in my "affidavit of Personal Bias and/or Prejudice" against Judge Tidwell that Judge may not permit C 80-1236A - TO be filed unless Judge Tidwell was BARRED from taking any adverse action. So - you file C 80-1236A, offer no choice of

BEFORE PROCEEDING FURTHER. SEE NOTICE ON REVERSE SIDE

#8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

James E. Patterson, Plaintiff

v.

Otis J. Abernathy, Ralph Johnson, et al, Defendant

DOCKET NO. C80-1236A

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE

In accordance with the provisions of 28 U.S.C. Section 636(c), the parties to the above-captioned civil matter hereby waive their right to proceed before a judge of the United States District Court and consent to have a United States Magistrate conduct any and all further proceedings in the case (including the trial) and order the entry of judgment.

James Patterson

Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. Section 636(c)(3), unless all parties further consent, by signing below, to take any appeal to a judge (1) of the District Court, in accordance with 28 U.S.C. Section 636(c)(4).

(1) James Patterson

MR. CASTELLANI, SINCE YOU HAVE ALREADY ASSURED BOTH THE COURT AND THIS MUCH ABUSED PRO SE THAT THE ABOVE-ENTITLED ACTION WOULD BE DISMISSED BY YOUR FORTH COMING MOTION TO THAT EFFECT, I STILL OFFER YOU THE CHOICE BY SIGNING THIS DOCUMENT.

NOTE: RETURN THIS FORM TO THE CLERK OF COURT ONLY IF IT HAS BEEN EXECUTED BY ALL PARTIES TO THE CASE

Received:
7/25/80
James E. Patterson

you ruled on 8/8/80 that this case was not filed because both didn't pay check. 2-17-81

ORDER OF REFERENCE

IT IS HEREBY ORDERED that the above-captioned matter be referred to United States Magistrate _____ for the conduct of all further proceedings and the entry of judgment in accordance with 28 U.S.C. Section 636(c) and the foregoing consent of the parties.

Judge Shoob first ruled that we had the right to proceed with case no. 80-1236A, but a week later the filing fee was not payed, he said

7/25/80
DATE

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

By: [illegible] Deputy Clerk

#6 now see #7

JAMES E. PATTERSON, :

Plaintiff, :

v. : CIVIL ACTION

OTIS J. ABERNATHY, et al., : C80-1236A

Defendants :

ATTEST: A TRUE COPY
CERTIFIED THIS
12th day of Aug. 1980
Ken E. Carter, Clerk
By: Doris Wynn
Deputy Clerk

ORDER

It appearing to the Court that the Complaint in the above captioned matter fails to comply with Rule 8 of the Federal Rules of Civil Procedure, and it further appearing to the Court that the Plaintiff's filing of the Complaint is in violation (1) of the Order and injunction in Patterson v. Schacht, C79-106N (N.D. Ga. March 20, 1980),

why? It is hereby ORDERED that the Complaint be DISMISSED with prejudice and that service of the Complaint and summons be QUASHED.

the clerk was directed after a period the case for lack of defendants

This Court has been advised by the clerk's office that plaintiff's check for the cost deposit in this case has been returned for insufficient funds. It is ORDERED that the Clerk of the United States District Court for the Northern District of Georgia shall not accept any further complaints for filing or service from the Plaintiff unless all fees for filing and service are paid by cash, money order, cashiers check, or certified check.

a false statement JSP. they used every trick known to not file this complaint

This Order shall be communicated to the Clerk of the United States District Court for the Northern District of Georgia and the United States Marshal for the Northern District of Georgia,

(1) Judge Shoob it is not a violation of an "injunctive clause" to try via Rule 60(b) to dissolve said "injunctive clause"

A-814-C

#6

and the Marshal is instructed that the Complaint in this matter shall not be served upon any Defendant. Since there was no defendant you violated federal law By accepting an ex parte motion to dismiss.

IT IS SO ORDERED, this 8TH day of August, 1980.

(2)

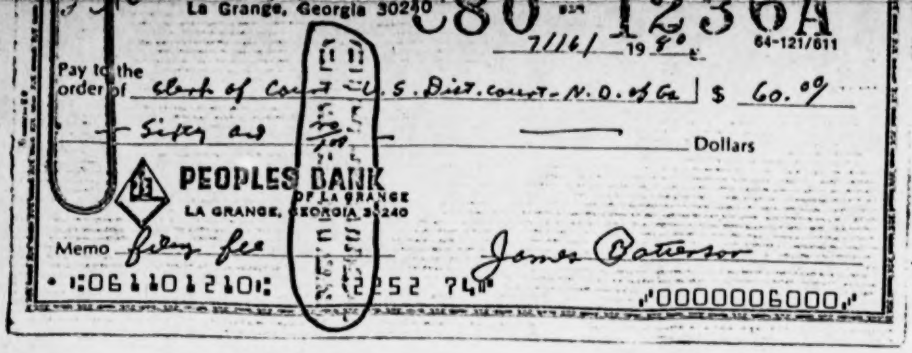
(a) You lacked Jurisdiction over case as defendants said you did not have service of process ruled

Marvin H. Shoob, Judge
United States District Court
Northern District of Georgia

Why didn't you rule on my affidavit re disqualifying you, dated 7/15/80? Tidwell, also-?

Judge Tidwell's show cause order states complaint filed on 7/21/80 and it should have been served before 8TH of august - 1980 Judge must signed for service on 7/15/80

JG



La Grange, Georgia 30240

80 BSA 1236A

7/16/ 19 80 64-121/611

Pay to the order of Clerk of Court - U.S. Dist. court - N.D. of Ga | $ 60.00

Sixty and 00/100 Dollars

PEOPLES BANK OF LA GRANGE
LA GRANGE, GEORGIA 30240

Memo filing fee

James Patterson

⑆061101210⑆ 12252 74⑈ "0000006000"

EXHIBIT-#1

well, Judge the check was
procured and exhibit no.
1 shows that you ruled
me out the right to proceed
before either a U.S. magistrate
or federal judge with case
no. C80-80-1236-A. so
you resorted to perjury
to give Hoffman time to
file an ex parte motion
to quash marshal's service
on the defendants. no one was
ever under your jurisdiction
because of C80-1236-A.

federal law 6d(c) and 18 USC # 401 required
a trial to determine if filing C.A. 80-1236-A
violated a suppression order tacked on to
dismissal order for C.A. 79-106 N and if I had
had legal counsel you would have complied
with federal law before you resorted to perjury
to dismiss C.A. No. 80-1236-A.

8-11-80

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
Newnan DIVISION

ABANDONED -ON- 5/20/80

James C. Patterson)
Plaintiff)
Vs.)
Hans J. Schacht, et al)
Defendant)

#5
#5

CIVIL ACTION NO. 79-106N

NOW, WE HAVE 2 RULINGS OF THE COURT - PER 79-106N OR NO BG - THAT THE COURT has told that defendants must meet with this party to settle a SETTLEMENT-OF-CLAIM IN C79-106 WITHIN 90 DAYS.

??

ORDER OF THE COURT

BY DIRECTION OF THE HONORABLE C. ERNEST TIDWELL

Parties are hereby directed that within 90 days of the date of this notice, but not beyond the current discovery deadline, the Court requires a status report from the attorneys for each party. See paragraph no. 8.

The status report shall contain the following information:

1. A brief description of the type of case
2. A very brief summary of the contentions and issues involved
3. A description of any jurisdictional or venue problems
4. A list of parties that have not been served, and an explanation of why each party has not been served
5. A summary of discovery -
   (a) Completed
   (b) Contemplated
6. Whether the trial is jury or non-jury and the estimated length of trial
7. Are there any unresolved (a) existing motions (b) do the parties contemplate the filing of any additional motions, and if so, a description of same.
8. Prior to making the status report, counsel are required to hold a good-faith settlement conference (in person and with lead counsel for all parties) and the status report shall give a detailed report of said settlement conference.

✓ F.R.C.P. Rule 68

Dated this 5th day of March, 1980.

#5

BEN H. CARTER, CLERK

By: Karen Gardner
Karen Gardner
Courtroom Deputy Clerk
for Judge Tidwell

Judge Tidwell ruled ordered case no. C79-106-N sealed by Consent Judgment. The defendants refused to be dismissed in 3-17-81

#3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON,

Plaintiff,

v.

HANS-J. SCHACHT, ET AL.,

Defendants.

CIVIL ACTION
FILE NO. C-78-31N

You refuse to try me for civil contempt because you don't want this fraudulent Judge exposed. 5-17-81

Court "order" does not write "ET. AL.", as this or me word "defendants" ORDER TO-SMALL-SEE-"ORDER", ON OTHERS

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se.

Judge Vining You certified that none of my PLEADINGS had merit. SO, I ask you NOW to state the name of my LAWYER for this case their waiting one.

The Defendants voluntarily agreed to:

1. Answer the Complaint;
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

DRAFTED-BY:- Jeffery Smith, attorney for the defendants (1)
CHECK-"ORDER", "V." not "Versus", no cause NO. on Paper

#3

no relief based on argument of counsel at the hearing for Plaintiff - no counsel

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that: no counsel for this pro se - thus, no argument

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;
2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;
3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and
4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

NO-CODE-#
OR-PAGE-#

Please serve a copy of this court's Order & Brief for the appeal which was not filed.

#3

Accordingly, the Defendants are granted a Protective Order to the extent set forth above.

So ordered this the ✓ day of August, 1978.

✓ omitted "Jr."

Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

name typed ← omitted "Jr." which Judge's secretary would not do.

"The defendants are Granted - - - -":
"TO THE EXTENT" DRAFTED BY SMITH and submitted to the Court. Smith was told by the Judge." Write your own Protective order and submitted it TO THE Court": HE DID. THIS-is-it. the signed and dated copy is word for word as this COPY. So, indeed, the defendants did write their own Protection from a pro se.

the next copy is identical except had date + signature with "Jr"

there was no argument. Smith didn't say that I had filed motions to compel discovery

"with all parties being represented by counsel, including the Plaintiff, Pro Se": that's too much-I-guess. who was my lawyer Judges Tidwell, Vining, Shoob and mogl.

IV you refuse me a contempt trial because Item no. III puts you out of Business.

NO-CODE-NUMBERS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

II 4

JAMES E. PATTERSON,

Plaintiff,

v.

HANS-J. SCHACHT, ET AL.,

Defendants.

CIVIL ACTION
FILE NO. C-78-31N

FILED IN CLERK'S OFFICE

AUG - 4 1978

BEN H. CARTER, Clerk
By: Deputy Clerk

ORDER

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se.

malfeasance in office to control a case with a fraudulent pre-trial order

The Defendants voluntarily agreed to:

1. Answer the Complaint; on July 26 - the Comp. was answered
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

HERE-IS-SMITH'S-PERSONALLY DRAFTED-P.O. SIGNED-and Dated by a federal judge.

no code II

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that: [no counsel argued for Patterson on July 26, 1978 so there was no such conference.]

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;
2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;
3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and
4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

It was "hereby ordered" (1) also for Smith to draft a Protective Order and submit it to the Court for signature. Then we claim in case no. C79-106A that the Court conspired with Defendants by means of a fraudulent Protective order (P.O.) to steal case nos. C79-31A and C79-49A BUT Tidwell-Mell blocked by res Judicata.

Accordingly, the Defendants are granted a Protective Order to the extent set forth above. conspiracy by lying

So ordered this the 4 day of August, 1978.

Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

SMITH-TYPED NAME- NOT "Jr." So the Judge added "Jr." so his SIGNATURE would be correct and order valid.

Judge Henderson also made this fraudulent pre-trial order applicable to case no. C 78-47 and thus he stayed the Defendants' trial and had judgment in for C 78-31-A and C 78-47-A.

NO

EXHIBIT E

BR 119
(10/79)

United States Bankruptcy Court

For the NORTHERN District of GEORGIA

In re

JAMES E. PATTERSON

Case No. 80-00076N

Debtor*

DISCHARGE OF DEBTOR

It appearing that the person named above has filed a petition commencing a case under title 11, United States Code on MARCH 24, 1980, that an order for relief was entered under chapter 7 and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the court [or that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing, was not sustained], it is ordered that

1. The above-named debtor is released from all dischargeable debts.

2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:

(a) debts dischargeable under 11 U.S.C. §523;

(b) unless heretofore determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2), (4) and (6) of 11 U.S.C. §523(a);

(c) debts determined by this court to be discharged under 11 U.S.C. §523(d).

3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from commencing, continuing or employing any action, process or act to collect, recover or offset any such debt as a personal liability of the debtor, or from property of the debtor, whether or not discharge of such debt is waived.

Dated: JULY 3, 1980

BY THE COURT

W. Drake Jr.

Bankruptcy Judge

*Include here all names used by Debtor within last 6 years.